

LAWYERS FOR  
CLEAN WATER INC

JAN 29 2016

VIA U.S. MAIL

January 21, 2016

Gina McCarthy, Administrator  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Jared Blumenfeld  
Regional Administrator  
U.S. Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, CA 94105

Loretta Lynch, Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530-0001

Dear Sir or Madam,

Pursuant to 40 C.F.R. § 135.4, please find enclosed the Complaint for Declaratory and Injunctive Relief and Civil Penalties for the following case:

*San Luis Obispo Coastkeeper et. al. v. City of Santa Maria* Case No. 2:15-cv-08600.

This complaint was filed on November 4, 2015.

Sincerely,



Layne Friedrich  
Lawyers for Clean Water, Inc.  
Attorneys for Plaintiff

Enclosure



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8 ENVIRONMENT IN THE PUBLIC INTEREST AND

9 SAN LUIS OBISPO COASTKEEPER

10  
11 **UNITED STATES DISTRICT COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA**

13  
14 ENVIRONMENT IN THE PUBLIC  
15 INTEREST, a California non-profit  
16 corporation, and  
17 SAN LUIS OBISPO COASTKEEPER;

18 Plaintiffs,

19 vs.

20 CITY OF SANTA MARIA, a municipal  
21 corporation

22 Defendant.

Civil Case No.

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF AND  
CIVIL PENALTIES**

**(Federal Water Pollution Control Act,  
33 U.S.C. §§ 1251 *et seq.*)**

1 Environment in the Public Interest and San Luis Obispo Coastkeeper (“Plaintiffs”  
2 or collectively “Coastkeeper”) by and through their counsel, hereby allege:

3 **I. JURISDICTION AND VENUE**

4 1. This is a civil suit brought under the citizen suit enforcement provision of  
5 the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.* (“Clean Water Act”  
6 or “CWA”). *See* 33 U.S.C. § 1365. This Court has subject matter jurisdiction over the  
7 parties and this action pursuant to 33 U.S.C. § 1365(a)(1) and 28 U.S.C. §§ 1331 and  
8 2201 (an action for declaratory and injunctive relief arising under the Constitution and  
9 laws of the United States).

10 2. On June 15, 2015, Coastkeeper issued a sixty (60) day notice of intent to sue  
11 letter, and on August 31, 2015 issued a supplemental notice letter, (hereinafter “Notice  
12 Letters”) to the City of Santa Maria (“Defendant” or “City”) for its violations of  
13 California’s General Permit for Discharges of Storm Water Associated with Industrial  
14 Activities (*National Pollutant Discharge Elimination System (NPDES) General Permit*  
15 *No. CAS000001, State Water Resources Control Board Water Quality Order No. 92-12-*  
16 *DWQ, reissued by Order No. 97-03-DWQ an by Order 2014-0057-DWQ*) (hereinafter  
17 “Storm Water Permit”)<sup>1</sup> and the Clean Water Act. The Notice Letters informed the City  
18 of Coastkeeper’s intent to file suit against it to enforce the Storm Water Permit and the  
19 Clean Water Act.

20 3. The Notice Letters were sent to the Administrator of the United States  
21 Environmental Protection Agency (“EPA”), the Administrator of EPA Region IX, the  
22 Executive Director of the State Water Resources Control Board (“State Board”), and the  
23 Executive Officer of the Regional Water Quality Control Board, Central Valley Region  
24 (“Regional Board”), as required by 40 C.F.R. § 135.2(a)(1). The Notice Letters are  
25 attached hereto as Exhibit A and Exhibit B and are incorporated herein by reference.

26  
27 <sup>1</sup> The Storm Water Permit reissued by Order 2014-0057-DWQ took effect on July 1, 2015. Citations to  
28 the Storm Water Permit reissued by Order No. 97-03-DWQ are designated as “1997 Permit” and  
citations to the Storm Water Permit reissued by Order 2014-0057-DWQ are designated as “2015  
Permit.”

1           4.     More than sixty (60) days have passed since the Notice Letters were served  
2 on the Defendant and the State and Federal agencies. Coastkeeper is informed and  
3 believes, and thereon alleges, that neither the EPA nor the State of California has  
4 commenced or is diligently prosecuting an action to redress the violations alleged in this  
5 complaint. *See* 33 U.S.C. § 1365(b)(1)(B). This action is not barred by any prior  
6 administrative penalty under Section 309(g) of the CWA. 33 U.S.C. § 1319(g).

7           5.     This complaint seeks relief for Defendant's substantive and procedural  
8 violations of the Storm Water Permit and the Clean Water Act resulting from  
9 Defendant's operations at 2065 E. Main Street in Santa Maria, California ("Facility" or  
10 "Landfill").

11           6.     Venue is proper in the Central District of California pursuant to Section  
12 505(c)(1) of the CWA, 33 U.S.C. § 1365(c)(1) because the sources of the violations are  
13 located within this judicial district.

## 14     **II. INTRODUCTION**

15           7.     With every rainfall event, hundreds of millions of gallons of polluted  
16 rainwater, originating from industrial operations such as the Landfill, pour into the storm  
17 drains and local waterways. The consensus among regulatory agencies and water quality  
18 specialists is that storm water pollution accounts for more than half of the total pollution  
19 entering marine and river environments each year. These surface waters are ecologically  
20 sensitive areas. Although pollution and habitat destruction have drastically diminished  
21 once-abundant and varied fisheries, these waters are still essential habitat for dozens of  
22 fish and bird species as well as macro-invertebrate and invertebrate species.

23           8.     Storm water and non-storm water contains sediment (suspended solids),  
24 acidic or basic materials, heavy metals, such as aluminum, chromium, copper, lead,  
25 mercury, nickel, tin, and zinc, as well as, high concentrations of nitrate and nitrite, and  
26 other pollutants. Exposure to polluted storm water harms the special aesthetic and  
27 recreational significance that the surface waters have for people in the surrounding  
28 communities. The public's use of the surface waters exposes many people to toxic metals

1 and other contaminants in storm water and non-storm water discharges. Non-contact  
2 recreational and aesthetic opportunities, such as wildlife observation, are also impaired  
3 by polluted discharges to the surface waters.

4 9. High concentrations of total suspended solids ("TSS") degrade optical water  
5 quality by reducing water clarity and decreasing light available to support photosynthesis.  
6 Deposited solids alter fish habitat, aquatic plants, and benthic organisms. TSS can also be  
7 harmful to aquatic life because numerous pollutants, including metals and polycyclic  
8 aromatic hydrocarbons ("PAHs"), are absorbed onto TSS. Thus, higher concentrations of  
9 TSS results in higher concentrations of toxins associated with those sediments. Inorganic  
10 sediments, including settleable matter and suspended solids, have been shown to  
11 negatively impact species richness, diversity, and total biomass of filter feeding aquatic  
12 organisms on bottom surfaces.

13 10. Storm water discharged with high pH can damage the gills and skin of  
14 aquatic organisms and cause death at levels above 10 standard units. The pH scale is  
15 logarithmic and the solubility of a substance varies as a function of the pH of a solution.  
16 A one whole unit change in a standard unit represents a tenfold increase or decrease in  
17 ion concentration. If the pH of water is too high or too low, the aquatic organisms living  
18 within it will become stressed or die.

19 11. This complaint seeks a declaratory judgment, injunctive relief, the  
20 imposition of civil penalties, and the award of litigation costs, for Defendant's  
21 substantive and procedural violations of the Storm Water Permit and the Clean Water Act  
22 resulting from Defendant's operations at the Landfill.

### 23 **III. PARTIES**

#### 24 **A. Environment in the Public Interest and San Luis Obispo Coastkeeper.**

25 12. Environment in the Public Interest ("EPI") is a 501(c)(3) non-profit public  
26 benefit conservation and research organization providing educational, scientific and  
27 technical support services with a primary mission to advocate the public interest in  
28 preserving habitat and biodiversity.



1        13. San Luis Obispo Coastkeeper is a program of EPI. EPI does business in the  
2 San Luis Obispo area as San Luis Obispo Coastkeeper.

3        14. San Luis Obispo Coastkeeper was formed for the purpose of conserving,  
4 restoring, and enhancing the state's water quality, wildlife, fishery resources, aquatic  
5 ecosystems, and associated riparian habitats. San Luis Obispo Coastkeeper accomplishes  
6 its mission by actively seeking federal, state, and local agency implementation of  
7 environmental regulations and statutes and routinely participates in administrative,  
8 legislative, and judicial proceedings.

9        15. When necessary, Coastkeeper directly initiates enforcement actions on behalf  
10 of itself and its members to protect public trust resources.

11        16. Coastkeeper's office is located at 1013 Monterey Street, Suite 202 in San  
12 Luis Obispo, California.

13        17. Members of Coastkeeper live, work, and/or recreate in and around the waters  
14 in San Luis Obispo and Northern Santa Barbara County including the Santa Maria River  
15 and its tributaries. For example, Coastkeeper members use and enjoy these waters for  
16 fishing, boating, swimming, bird watching, picnicking, viewing wildlife, and engaging in  
17 scientific study.

18        18. The unlawful discharge of pollutants from the Landfill impairs each of these  
19 uses. Further, the Facility's discharges of polluted storm water are ongoing and continuous.  
20 As a result, Coastkeeper's members' use and enjoyment of the Santa Maria River and its  
21 tributaries has been and continues to be adversely impacted.

22        19. Thus, the interests of members have been, are being, and will continue to be  
23 adversely affected by the failure of the City to comply with the Storm Water Permit and  
24 the Clean Water Act.

25        **B. The Owner and Operator of the Landfill.**

26        20. The City of Santa Maria is a California municipality incorporated under the  
27 laws of California and is located in Santa Barbara County.

28        21. Coastkeeper is informed and believes, and thereon alleges, that City of Santa

1 Maria has been an owner of the Facility since at least 2006.

2 22. Coastkeeper is informed and believes, and thereon alleges, that the City of  
3 Santa Maria has been an operator of the Facility since at least 2006.

4 **IV. LEGAL BACKGROUND**

5 **A. The Clean Water Act.**

6 23. Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a), requires point  
7 source discharges of pollutants to navigable waters be regulated by an NPDES permit. 33  
8 U.S.C. § 1311(a); *see* 40 C.F.R. § 122.26(c)(1). Among other things, section 301(a)  
9 prohibits discharges not authorized by, or in violation of, the terms of a National  
10 Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to section  
11 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342(b).

12 24. Section 402(p) of the CWA establishes a framework for regulating  
13 municipal and industrial storm water discharges under the NPDES program. 33 U.S.C.  
14 § 1342(p). Section 402(b) of the Clean Water Act allows each state to administer its own  
15 EPA-approved NPDES permit program for regulating the discharge of pollutants,  
16 including discharges of polluted storm water. *See* 33 U.S.C. § 1342(b).

17 25. States with approved NPDES permit programs are authorized by Section  
18 402(p) to regulate industrial storm water discharges through individual permits issued to  
19 dischargers and/or through the issuance of a single, statewide general permit applicable to  
20 all industrial storm water dischargers. 33 U.S.C. § 1342. California is a state authorized  
21 by EPA to issue NPDES permits.

22 26. “Waters of the United States” are defined as “navigable waters,” and “all  
23 waters which are currently used, were used in the past, or may be susceptible to use in  
24 interstate or foreign commerce, including waters which are subject to the ebb and flow of  
25 the tide.” 33 U.S.C. § 1362(7).

26 27. The EPA promulgated regulations defining “waters of the United States.”  
27 *See* 40 C.F.R. § 122.2. The EPA interprets waters of the United States to include not only  
28 traditionally navigable waters, but also other waters, including waters tributary to



1 navigable waters, wetlands adjacent to navigable waters, and intermittent streams that  
2 could affect interstate commerce.

3 28. The Clean Water Act confers jurisdiction over non-navigable waters that are  
4 tributaries to traditionally navigable waters where the non-navigable water at issue has a  
5 significant nexus to the navigable water. *See Rapanos v. United States*, 547 U.S. 715  
6 (2006); *see also N. Cal. River Watch v. City of Healdsburg*, 496 F.3d 993 (9th Cir. 2007).

7 29. A significant nexus is established if the “[receiving waters], either alone or  
8 in combination with similarly situated lands in the region, significantly affect the  
9 chemical, physical, and biological integrity of other covered waters.” *Rapanos*, 547 U.S.  
10 at 779; *N. Cal. River Watch*, 496 F.3d at 999-1000.

11 30. A significant nexus is also established if waters that are tributary to  
12 navigable waters have flood control properties, including functions such as the reduction  
13 of flow, pollutant trapping, and nutrient recycling. *Rapanos*, 547 U.S. at 782; *N. Cal.*  
14 *River Watch*, 496 F.3d at 1000-1001.

15 31. Section 505(a)(1) of the Clean Water Act provides for citizen enforcement  
16 actions against any “person” who is alleged to be in violation of an “effluent standard or  
17 limitation . . . or an order issued by the Administrator or a State with respect to such a  
18 standard or limitation.” *See* 33 U.S.C. §§ 1365(a)(i) and 1365(f).

19 32. The City is a “person” within the meaning of Section 502(5) of the Clean  
20 Water Act. *See* 33 U.S.C. § 1362(5).

21 33. An action for injunctive relief is authorized under Section 505(a) of the  
22 Clean Water Act. *See* 33 U.S.C. § 1365(a).

23 34. Each separate violation of the Clean Water Act subjects the violator to a  
24 penalty of up to \$37,500 per day. *See* 33 U.S.C. §§ 1319(d) and 1365(a); 40 C.F.R. § 19.4  
25 (Adjustment of Civil Monetary Penalties for Inflation).

26 35. Section 505(d) of the Clean Water Act allows prevailing or substantially  
27 prevailing parties to recover litigation costs, including attorneys’ fees, experts’ fees, and  
28 consultants’ fees. *See* 33 U.S.C. § 1365(d).

**B. California's General Permit for Discharges of Storm Water Associated with Industrial Activities.**

36. In California, the State Board is charged with regulating pollutants to protect California's water resources. *See* Cal. Water Code § 13001.

37. The Storm Water Permit is a statewide general NPDES permit issued by the State Board pursuant to the Clean Water Act. Violations of the Storm Water Permit are violations of the Clean Water Act. 1997 Permit, Section C(1); 2015 Permit, Section XXI(A).

38. California's NPDES Permit No. CAS000001, was first issued in 1992, reissued in 1997, and most recently in 2015. The 2015 Permit became effective on July 1, 2015 and superseded the 1997 Permit except for enforcement purposes. *See* 2015 Permit, Findings, ¶ 6. The substantive requirements of the 2015 Permit are the same or more stringent than the requirements of 1997 Permit.

39. In order to discharge storm water lawfully in California, industrial dischargers are required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity ("NOI") to the State Board. *See* 1997 Permit, Provision E(1), Findings, ¶ 3; 2015 Permit, Section II(B)(1)(a).

**C. The Storm Water Permit's Effluent Limitations.**

40. Effluent Limitation (B)(3) of the 1997 Permit and Effluent Limitation V(A) of the 2015 Permit require permittees to reduce or prevent pollutants in storm water discharges through the implementation of Best Available Technology Economically Achievable ("BAT") for toxic or non-conventional pollutants, and Best Conventional Pollutant Control Technology ("BCT") for conventional pollutants. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include biological oxygen demand ("BOD"), total suspended solids ("TSS"), oil and grease ("O&G"), pH, and fecal coliform.

41. Under the CWA and the Storm Water Permit, dischargers must employ Best

1 Management Practices (“BMPs”) that constitute BAT/BCT to reduce or eliminate storm  
2 water pollution. 33 U.S.C. § 1311(b); 1997 Permit, Effluent Limitation B(3); 2015  
3 Permit, Effluent Limitation V(A).

4 42. EPA has developed numeric benchmark levels (“Benchmark Levels”) that  
5 are objective guidelines to evaluate whether a permittee’s BMPs are successfully  
6 developed and/or implemented. *See* Final National Pollutant Discharge Elimination  
7 System (NPDES) General Permit for Stormwater Discharges From Industrial Activities  
8 (“Multi-Sector Permit”), 80 Fed. Reg. 34,403, 34,405 (June 16, 2015); Multi-Sector  
9 Permit, 73 Fed. Reg. 56,572, 56,574 (Sept. 29, 2008); Multi-Sector Permit, 65 Fed. Reg.  
10 64,746, 64,766-67 (Oct. 30, 2000).

11 43. Discharges from an industrial facility containing pollutant concentrations  
12 that exceed Benchmark Levels indicate that the facility has not developed and/or  
13 implemented BMPs that meet BAT for toxic pollutants and/or BCT for conventional  
14 pollutants. *Id.*

15 44. Effluent Limitation B(1) of the 1997 Permit and Effluent Limitation V(B) of  
16 the 2015 Permit require permittees subject to federal effluent limitation guidelines in 40  
17 C.F.R. Subchapter N to not exceed the specified effluent limitation(s).

18 45. Landfills fall within a Subchapter N category and federal effluent limitations  
19 apply to discharges of landfill wastewater. *See* 40 C.F.R. § 445.1 *et seq.*

20 46. 40 C.F.R. § 445.2(f) defines “landfill wastewater” to mean “all wastewater  
21 associated with, or produced by, landfilling activities except for sanitary wastewater, non-  
22 contaminated storm water, contaminated ground water, and wastewater from recovery  
23 pumping wells... [l]andfill wastewater includes, but is not limited to, leachate, gas  
24 collection condensate, drained free liquids, laboratory derived wastewater, contaminated  
25 storm water and contact washwater from washing truck, equipment, and railcar exteriors  
26 and surface areas which have come in direct contact with solid waste at the landfill  
27 facility.”

28 47. 40 C.F.R. § 445.2(b) defines “contaminated storm water” to mean “storm

1 water which comes in direct contact with landfill wastes, the waste handling and  
 2 treatment areas, or landfill wastewater as defined in paragraph (f) of this section. Some  
 3 specific areas of a landfill that may produce contaminated storm water include (but are  
 4 not limited to): the open face of an active landfill with exposed waste (no cover added);  
 5 the areas around wastewater treatment operations; trucks, equipment or machinery that  
 6 has been in direct contact with the waste; and waste dumping areas.”

7 48. 40 C.F.R. § 445.2(g) defines “non-contaminated storm water” to mean  
 8 “storm water which does not come in direct contact with landfill wastes, the waste  
 9 handling and treatment areas, or landfill wastewater that is defined in paragraph (f) of this  
 10 section. Non-contaminated storm water includes storm water which flows off the cap,  
 11 cover, intermediate cover, daily cover, and/or final cover of the landfill.”

12 49. Subpart A of 40 C.F.R. § 445 requires facilities that include hazardous water  
 13 storage and/or disposal to comply with the federal numeric effluent limitations at 40  
 14 C.F.R. §§ 445.11, 445.12 and 445.13. The numeric effluent limitations are attainable  
 15 through the development and implementation of best practicable control technology  
 16 currently available (“BPT”), BCT, and BAT. A discharger that fails to meet the federal  
 17 effluent limitations is in violation of the Storm Water Permit. *See* 1997 Permit, Effluent  
 18 Limitation B(1); 2015 Permit, Effluent Limitation V(B); *see also* 40 C.F.R. § 445.12-13.

19 **D. The Storm Water Permit’s Receiving Water Limitations.**

20 50. Receiving Water Limitation C(1) of the 1997 Permit and Receiving Water  
 21 Limitation VI(B) of the 2015 Permit prohibit storm water discharges from adversely  
 22 impacting human health or the environment.

23 51. Storm water discharges with pollutant concentrations that exceed levels  
 24 known to adversely impact aquatic species and the environment are violations of the  
 25 Storm Water Permit’s Receiving Water Limitation.

26 52. Receiving Water Limitation C(2) of the 1997 Permit and Receiving Water  
 27 Limitation VI(B) of the 2015 Permit prohibit storm water discharges that cause or  
 28 contribute to an exceedance of any applicable water quality standards in a state or



1 regional water quality control plan.

2 53. Water quality standards ("WQS") are pollutant concentration levels  
3 determined by the State Board, the various Regional Boards, and the EPA to be  
4 protective of the beneficial uses of the waters that receive polluted discharges.

5 54. The State of California regulates water quality through the State Board and  
6 the nine Regional Boards. Each Regional Board maintains a separate Water Quality  
7 Control Plan, which contains WQS for water bodies within its geographic area.

8 55. The Water Quality Control Plan for the Central Coast Basin ("Basin Plan")  
9 identifies the beneficial uses of water bodies in the region. The beneficial uses for the  
10 Santa Maria River include: water contact recreation (REC 1), non-contact water  
11 recreation (REC 2), municipal and domestic supply (MUN), warm freshwater habitat  
12 (WARM), wildlife habitat (WILD), Agricultural Supply (AGR), Industrial Service  
13 Supply (IND), Ground Water Recharge (GWR), Cold Fresh Water Habitat (COLD),  
14 Migration of Aquatic Organisms (MIGR), Rare, Threatened or Endangered Species  
15 (RARE), Freshwater Replenishment (FRESH), and Commercial and Sport Fishing  
16 (COMM). *See* Basin Plan, Table 2-1.

17 56. The Beneficial Uses for the Santa Maria River Estuary include: water  
18 contact recreation (REC 1), non-contact water recreation (REC 2), warm freshwater  
19 habitat (WARM), wildlife habitat (WILD), Ground Water Recharge (GWR), Migration  
20 of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development  
21 (SPWN), Preservation of Biological Habitats of Special Significance (BIOL), Estuarine  
22 Habitat (EST), Rare, Threatened or Endangered Species (RARE), Commercial and Sport  
23 Fishing (COMM), and Shellfish Harvesting (SHELL). *See id.*

24 57. Surface waters that cannot support the beneficial uses of those waters listed  
25 in the Basin Plan are designated as impaired water bodies pursuant to section 303(d) of  
26 the Clean Water Act. According to the 2010 303(d) List of Impaired Water Bodies,  
27 California has listed the Santa Maria River as impaired for the following pollutants:  
28 Chloride, *Escherichia coli* ("E. coli"), Fecal Coliform, Nitrate, Sediment Toxicity,

1 Sodium, Turbidity, and Unknown Toxicity. The Santa Maria Estuary is listed as impaired  
2 for: E. coli, Fecal Coliform, and Total Coliform.<sup>2</sup>

3 58. Discharges of pollutants at levels above WQS contribute to the impairment  
4 of the beneficial uses of the waters receiving the discharges in violation of the Storm  
5 Water Permit.

6 59. The Basin Plan sets forth, among other things, narrative WQS for floating  
7 material, oil and grease, sediment, settleable matter, and temperature, among others. *See*  
8 Basin Plan, Section II(A)(2)(a). The Basin Plan provides that for waters with a beneficial  
9 use of Municipal and Domestic Supply (MUN), “[t]he pH of shall not be depressed  
10 below 6.3 or raised above 8.3.” *See id.*

11 60. In addition, EPA has promulgated WQS for toxic priority pollutants in  
12 California waterbodies (“California Toxics Rule” or “CTR”)<sup>3</sup> that are applicable to  
13 dischargers covered by the Storm Water Permit.

14 61. The CTR includes numeric criteria set to protect human health and the  
15 environment in the State of California. Water Quality Standards; Establishment of  
16 Numeric Criteria for Priority Toxic Pollutants for the State of California Factsheet, EPA-  
17 823-00-008 (April 2000), available at:

18 <http://water.epa.gov/lawsregs/rulesregs/ctr/factsheet.cfm>.

19 62. Thus, applicable WQS include, but are not limited to, those set out in the  
20 Basin Plan and the CTR.

21 **E. The Storm Water Permit’s Storm Water Pollution Prevention Plan**  
22 **Requirements.**

23 63. Permittees must develop and implement a Storm Water Pollution Prevention  
24 Plan (“SWPPP”) that meets all the requirements of the Storm Water Permit. *See* 1997

25 \_\_\_\_\_  
26 <sup>2</sup> 2010 Integrated Report – All Assessed Waters, available at:  
27 [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml) (last  
28 accessed on April 8, 2015).

<sup>3</sup> Criteria for Priority Toxic Pollutants for the State of California (“CTR”), 40 C.F.R. §  
131.38



1 Permit, Section A(1)-A(10); 2015 Permit, Section X(A)-X(H). The objective of the  
2 SWPPP requirements are to identify and evaluate sources of pollutants associated with  
3 industrial activities that may affect the quality of storm water discharges, and to  
4 implement site-specific BMPs to reduce or prevent pollutants associated with industrial  
5 activities in storm water discharges. *See* 1997 Permit, Section A(2); 2015 Permit, Section  
6 X(C).

7 64. The SWPPP must also include, among other things, a narrative description  
8 and summary of all industrial activity, potential sources of pollutants, and potential  
9 pollutants; a site map indicating the storm water conveyance system, associated points of  
10 discharge, direction of flow, areas of actual and potential pollutant contact, including the  
11 extent of pollution-generating activities, nearby water bodies, and pollutants control  
12 measures; a description of the BMPs developed and implemented to reduce or prevent  
13 pollutants in storm water discharges and authorized non-storm water discharges  
14 necessary to comply with the Storm Water Permit; the identification and elimination of  
15 non-storm water discharges; the location where significant materials are being shipped,  
16 stored, received, and handled, as well as the typical quantities of such materials and the  
17 frequency with which they are handled; a description of dust and particulate-generating  
18 activities, and; the identification of individuals and their current responsibilities for  
19 developing and implementing the SWPPP. 1997 Permit, Section A(1)-(10); 2015 Permit,  
20 Section X(A)-(H).

21 65. The Storm Water Permit requires the discharger to evaluate the SWPPP on  
22 an annual basis and revise it as necessary to ensure compliance with the Storm Water  
23 Permit. 1997 Permit, Section A(9); 2015 Permit, Section X(A)-(B). The Storm Water  
24 Permit also requires that the discharger conduct an annual comprehensive site compliance  
25 evaluation that includes a review of all visual observation records, inspection reports and  
26 sampling and analysis results, a visual inspection of all potential pollutant sources for  
27 evidence of, or the potential for, pollutants entering the drainage system, a review and  
28 evaluation of all BMPs to determine whether the BMPs are adequate, properly

1 implemented and maintained, or whether additional BMPs are needed, and a visual  
2 inspection of equipment needed to implement the SWPPP. 1997 Permit, Sections A(9)-  
3 (10); 2015 Permit, Section X(B) and Section XV.

4 **F. The Storm Water Permit's Monitoring Requirements.**

5 66. Dischargers must develop and implement a Monitoring and Reporting  
6 Program ("M&RP") that complies with all the requirements of the Storm Water Permit.  
7 *See* 1997 Permit, Section B; 2015 Permit, Sections X(I) and XI(A)-XI(D).

8 67. The objective of the M&RP is to detect and measure the concentrations of  
9 pollutants in a facility's discharge, and to ensure compliance with the Storm Water  
10 Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations.  
11 *See* 1997 Permit, Section B(2); 2015 Permit, Section XI. An adequate M&RP ensures  
12 that BMPs are effectively reducing and/or eliminating pollutants at the facility, and is  
13 evaluated and revised whenever appropriate to ensure compliance with the Storm Water  
14 Permit. *See id.*

15 **i. Visual Observations.**

16 68. Section B(4) of the 1997 Permit requires dischargers to conduct visual  
17 observations of storm water discharges at all discharge locations within the first hour of  
18 discharge from one storm event per month during the Wet Season.<sup>4</sup> Section XI(A) of the  
19 2015 Permit requires visual observations at least once each month, and at the same time  
20 sampling occurs at a discharge location.

21 69. Observations must document the presence of any floating and suspended  
22 material, O&G, discolorations, turbidity, odor and the source of any pollutants. 1997  
23 Permit, Section B(4)(c); 2015 Permit, Section XI(A)(2).

24 70. Dischargers must document and maintain records of observations,  
25 observation dates, locations observed, and responses taken to reduce or prevent pollutants  
26 in storm water discharges. 1997 Permit, Section B(4)(c); 2015 Permit, Section XI(A)(3).

27  
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<sup>4</sup> Wet Season is defined as October 1 through May 30. *See* 1997 Permit, Section B(4)(a).

1                    **ii. Sample Collection.**

2            71. Section B(5)(a) of the 1997 Permit requires permittees to collect storm water  
3 discharge samples from a qualifying rain event,<sup>5</sup> as follows: 1) from all discharge  
4 locations, 2) during the first hour of discharge, 3) from the first storm event of the Wet  
5 Season, and 4) from at least one other storm event in the Wet Season. Section XI(B)(1-5)  
6 of the 2015 Permit requires permittees to collect storm water discharge samples from a  
7 qualifying storm event<sup>6</sup> as follows: 1) from each discharge location, 2) from two storm  
8 events within the first half of each reporting year<sup>7</sup> (July 1 to December 31), 3) from two  
9 storm events within the second half of each reporting year (January 1 to June 30), and 4)  
10 within four hours of the start of a discharge, or the start of facility operations if the  
11 qualifying storm event occurs within the previous 12-hour period.

12            72. In addition to the above requirements, permittees subject to federal effluent  
13 limitations in 40 C.F.R. Subchapter N must: 1) collect and analyze two samples for any  
14 pollutant specified in the appropriate category of 40 C.F.R. Subchapter N, 2) estimate or  
15 calculate the volume of storm water discharges from each drainage area, 3) estimate or  
16 calculate the mass of each regulated pollutant as defined in the appropriate category of 40  
17 C.F.R. Subchapter N, and 4) identify the individual(s) performing the estimates or  
18 calculations. 1997 Permit, Section B(6). The 2015 Permit requires permittees subject to  
19 Subchapter N requirements to collect and analyze samples from qualifying storm events,  
20 without limitation on the number of storm events to sample, for each pollutant in their  
21 respective Subchapter N category. *See* 2015 Permit, Section XI(D).

22                    **iii. Sample Analysis.**

23            73. Section B(5)(c)(i) of the 1997 Permit requires dischargers to analyze each  
24 sample for pH, specific conductance ("SC"), TSS, and total organic carbon ("TOC"). A  
25

26 <sup>5</sup> A qualifying rain event is one where discharges occur during scheduled facility operating hours and are  
27 preceded by at least three working days without storm water discharges. 1997 Permit, Section B(5)(b).

28 <sup>6</sup> The 2015 Permit defines a qualifying storm event as one that produces a discharge for at least one  
drainage area, and is preceded by 48-hours with no discharge from any drainage areas. 2015 Permit,  
Section XI(B)(1).

<sup>7</sup> A reporting year is defined as July 1 through June 30. 2015 Permit, Findings at ¶ 62(b).

1 discharger may substitute analysis for O&G instead of TOC. Section XI(B)(6)(a)-(b) of  
2 the 2015 Permit requires permittees to analyze samples for TSS, oil & grease, and pH.

3 74. Section B(5)(c)(ii) of the 1997 Permit requires dischargers to analyze each  
4 sample for toxic chemicals and other pollutants likely to be present in significant  
5 quantities in the storm water discharged from a facility. Section XI(B)(6)(c) of the 2015  
6 Permit requires permittees to analyze samples for pollutants associated with industrial  
7 operations.

8 75. Section B(5)(c)(iii) of the 1997 Permit requires facilities classified as  
9 Standard Industrial Classification (“SIC”) code 4953 (Hazardous Waste Treatment  
10 Storage or Disposal) to analyze storm water samples for ammonia, magnesium, chemical  
11 oxygen demand, arsenic, cadmium, cyanide, lead, mercury, selenium, silver, and iron.  
12 *See id.* at Table D, Sectors K and L. Section XI(B)(6)(d) of the 2015 Permit requires  
13 facilities with SIC code 4953 to analyze samples for ammonia, magnesium, chemical  
14 oxygen demand, arsenic, cyanide, lead, mercury, selenium, and silver. *See id.* at Table 1.

15 76. Subchapter N effluent limitations apply to the discharge of landfill  
16 wastewater from facilities classified as SIC code 4953, and require those permittees to  
17 analyze samples for the following additional parameters: biological oxygen demand  
18 (“BOD”), TSS, Ammonia (as N),  $\alpha$ -Terpineol, Aniline, Benzoic acid, Naphthalene, *p*-  
19 Cresol, Phenol, Pyridine, Arsenic, Chromium, Zinc and pH. *See* 1997 Permit, Section  
20 B(6)(a); 2015 Permit, Section XI(B)(g); *see also* 40 C.F.R. § 445.11.

21 77. Section XI(B)(6) of the 2015 Permit requires dischargers to analyze storm  
22 water samples for additional applicable industrial parameters related to receiving waters  
23 with 303(d) listed impairments, or approved Total Maximum Daily Loads.

#### 24 **G. The Storm Water Permit’s Reporting Requirements.**

25 78. Section B(14) of the 1997 Permit requires that dischargers submit an Annual  
26 Report to the applicable Regional Board by July 1 of each year. The Annual Report must  
27 include a summary of visual observations and sampling results, an evaluation of the  
28 visual observations and sampling and analysis results, laboratory reports of sample



1 analysis, the annual comprehensive site compliance evaluation report specified in Section  
2 A(9), an explanation of why a facility did not implement any activities required, and  
3 other records specified in Section B(13)(i).

4 79. Section XVI of the 2015 requires dischargers to submit an Annual Report by  
5 July 15 that includes a compliance checklist indicating whether a discharger complies  
6 with all applicable requirements, an explanation for any non-compliance within the  
7 reporting year, the identification of SWPPP revisions including page numbers and/or  
8 sections, and the date(s) of the annual evaluation.

9 **V. FACTUAL BACKGROUND**

10 **A. Defendant's Coverage Under the Storm Water Permit.**

11 80. Coastkeeper is informed and believes, and thereon alleges, that the City  
12 submitted an NOI for coverage under the 1997 Permit.

13 81. Coastkeeper is informed and believes, and thereon alleges, that the City  
14 submitted a NOI for coverage under the 2015 Permit.

15 82. Coastkeeper is informed and believes, and thereon alleges, that the NOI  
16 submitted for coverage under the 1997 Permit and the 2015 Permit list the Santa Maria  
17 River as the receiving water.

18 83. Coastkeeper is informed and believes, and thereon alleges, that the State  
19 Board assigned the City Waste Discharge Identification ("WDID") number "3  
20 42I005749."

21 84. Coastkeeper is informed and believes, and thereon alleges, that the SIC code  
22 of regulated activities at the Landfill is 4953: Hazardous Waste Treatment Storage or  
23 Disposal.

24 85. Via a Public Records Act request to the Regional Board, Coastkeeper  
25 obtained a SWPPP for the Facility dated November 13, 2006, with the most recent date  
26 of revision on January 24, 2014. Coastkeeper refers to this SWPPP as "the 2006-2014  
27 SWPPP."

28 86. Via search of the SMARTS database, Coastkeeper obtained a SWPPP for

1 the Facility dated June 2015. Coastkeeper refers to this SWPPP as “the 2015 SWPPP.”  
2 Unless otherwise indicated, Coastkeeper refers to these documents as the “Landfill  
3 SWPPPs.”

4 87. Coastkeeper is informed and believes, and thereon alleges, that the Landfill  
5 SWPPPs are SWPPPs for the Facility and that the 2015 SWPPP is the current SWPPP for  
6 the Facility.

7 **B. Facility Site Description.**

8 88. The 2015 SWPPP states that the Facility consists of approximately 290 acres  
9 including a 68-acre inactive landfill, a 118-acre closed active area, and a 61-acre active  
10 area, which includes 36-acre Cell 1 and a proposed 25-acre Cell 2.

11 89. The 2015 SWPPP states that the remaining 43 acres of the Facility is used  
12 for operations and contains a main office compound, recycling park bunkers, a parking  
13 area, a scale house, a levee easement, the City’s storage yard, a concrete recycling area  
14 and other structural facilities.

15 90. The 2015 SWPPP states that of the Facility’s 290 acres, only 63 acres are  
16 “industrial area exposed to storm water.”

17 **C. Industrial Activities, Pollutant Sources, Pollutants, and BMPs at the**  
18 **Facility.**

19 **i. Industrial Activities and Pollutant Sources.**

20 91. The 2015 SWPPP states that the City accepts municipal and industrial waste,  
21 including but not limited to scrap metal, household appliances, treated medical waste,  
22 non-friable asbestos, non-hazardous hydrocarbon impacted soil, green waste, tires,  
23 untreated wood waste, construction and demolition waste, textiles, green recyclables,  
24 electronic waste, cardboard, and universal waste.

25 92. The 2015 SWPPP states that the Landfill also accepts household hazardous  
26 waste which includes acids, bases, oxidizers, flammables, poisons, batteries, sharps, ink  
27 toner cartridges, used motor oil, paint and anti-freeze. The collected hazardous waste is  
28 stored on-site, then packaged and taken off-site for disposal.



1        93. The 2015 SWPPP states that waste that arrives at the Facility is weighed at  
2 the scale house, recyclable material is taken to the recycling park where it is segregated in  
3 to bunkers that are loaded into containers that are hauled off-site for processing and  
4 recycling. Non-recyclable waste is sent to the landfill working face for disposal where it  
5 is unloaded and compacted.

6        94. The 2015 SWPPP states that the City uses intermediate daily cover,  
7 woodchips, and/or tarp on compacted waste.

8        95. Coastkeeper is informed and believes, and thereon alleges, that the sources  
9 of pollution at the Facility include, but are not limited to: daily operations at the landfill  
10 area; the recycling park; leachate collection; gas condensation collection; the household  
11 hazardous waste collection area; fueling, maintenance, use, and storage of vehicles and  
12 other equipment; landfill waste oil storage and disposal; soil erosion; dust and particulate  
13 generating activities, and; waste handling and storage, and track off.

14        96. Coastkeeper is informed and believes, and thereon alleges, that the City  
15 conducts vehicle and equipment fueling, maintenance and cleaning outdoors. Trucks,  
16 equipment, and machinery are used outdoors during the waste sorting, processing,  
17 collection and/or disposal. These activities result in direct contact of pollutants with  
18 storm water, resulting in contaminated storm water discharges from the Facility.

19        97. Coastkeeper is informed and believes, and thereon alleges, that waste  
20 material itself, in the processing area, in disposal areas, and on access roads, comes into  
21 direct contact with storm water. This contaminated storm water discharges from the  
22 Facility.

23        98. Coastkeeper is informed and believes, and thereon alleges, that truck and  
24 equipment wash-water at the Facility comes into direct contact with waste, and is  
25 comingled with storm water during rain events. These sources of direct contact result in  
26 contaminated storm water discharges from the Facility.

27        99. Section 5 and Table 3 of the 2015 SWPPP lists industrial materials and areas  
28 of industrial activity at the Facility.

1           100. Sections 6.1-6.3 of the 2015 SWPPP list potential pollutant sources at the  
2 Facility.

3           101. Coastkeeper is informed and believes, and thereon alleges, that the Facility's  
4 industrial activities and areas of industrial activity are pollutant sources.

5           102. Coastkeeper is informed and believes, and thereon alleges, that the 2006-  
6 2014 SWPPP fails to adequately describe all of the Facility's potential pollutant sources.

7           103. Coastkeeper is informed and believes, and thereon alleges, that the 2015  
8 SWPPP fails to adequately describe all of the Facility's potential pollutant sources.

9           104. Coastkeeper is informed and believes, and thereon alleges, that the 2006-  
10 2014 SWPPP fails to adequately identify all of the industrial activities at the Facility.

11           105. Coastkeeper is informed and believes, and thereon alleges, that the 2015  
12 SWPPP fails to adequately identify all of the industrial activities at the Facility.

13                   **ii. Pollutants.**

14           106. Coastkeeper is informed and believes, and thereon alleges, that pollutants  
15 associated with the Facility include, but are not limited to: trash, oil & grease, pH-  
16 affecting substances, solvent, salts, bacteria, hydraulic fluid, anti-freeze, battery acid,  
17 cutting oils, lubricants, cleaning agents, phenols, herbicides and pesticides, plastics, total  
18 suspended solids, iron, lead, aluminum, asbestos, copper, zinc, chemical oxygen demand,  
19 magnesium, ammonia, arsenic, cadmium, cyanide, mercury, selenium, silver, fuel and  
20 fuel additives, coolant, aromatic hydrocarbons, chlorinated hydrocarbons, inorganic  
21 nitrogen, and/or fugitive and other dust, dirt, and debris.

22           107. Coastkeeper is informed and believes, and thereon alleges, that pollutants  
23 associated with the Facility include those listed in 40 C.F.R. § 445.11.

24           108. Section 6.3.1 of the 2015 SWPPP lists oil, diesel fuel, lubricant, and other  
25 vehicle fluids, trash and debris as pollutants likely to be present at the Facility.

26           109. Coastkeeper is informed and believes, and thereon alleges, that the 2006-  
27 2014 SWPPP fails to identify all pollutants that are associated with industrial activities or  
28 areas at the Facility.

1 110. Coastkeeper is informed and believes, and thereon alleges, that the 2015  
2 SWPPP fails to identify all pollutants that are associated with industrial activities or areas  
3 at the Facility.

4 111. Coastkeeper is informed and believes, and thereon alleges, that prior to June  
5 26, 2015, Section 7 of the 2006-2014 SWPPP constituted the M&RP for the Facility.

6 112. Coastkeeper is informed and believes, and thereon alleges, that as of June  
7 26, 2015, Sections 7 and 8 of the 2015 SWPPP constitutes the M&RP for the Facility.

8 **iii. BMPs.**

9 113. Coastkeeper is informed and believes, and thereon alleges, that the lack of  
10 BMPs at the Landfill results in storm water exposure to waste materials that are collected,  
11 processed, and stored outdoors at the Facility.

12 114. Coastkeeper is informed and believes, and thereon alleges, that the lack of  
13 BMPs at the Landfill results in storm water exposure to industrial activities.

14 115. Coastkeeper is informed and believes, and thereon alleges, that inadequate  
15 sediment and tracking controls result in sediment being tracked and discharged off-site.

16 116. Coastkeeper is informed and believes, and thereon alleges, that there is no  
17 secondary containment or other adequate treatment measures to prevent polluted storm  
18 water from discharging from the Facility.

19 117. Table 2 of the 2015 SWPPP describes the non-structural and structural  
20 BMPs at the Facility.

21 118. Section 6.5 of the 2015 SWPPP states that the City does not “currently  
22 maintain any advanced BMPs or treatment systems for the site because there has not been  
23 a need to reduce or prevent discharges of pollutants in its storm water discharges.”

24 119. Coastkeeper is informed and believes, and thereon alleges, that the 2006-  
25 2014 SWPPP fails to identify adequate BMPs to reduce or prevent pollutants in the  
26 Facility’s discharges.

27 120. Coastkeeper is informed and believes, and thereon alleges, that the 2015  
28 SWPPP fails to identify adequate BMPs to reduce or prevent pollutants in the Facility’s

1 discharges as required by the Storm Water Permit.

2 121. Coastkeeper is informed and believes, and thereon alleges, that the 2006-  
3 2014 SWPPP fails to identify all significant materials at the Facility.

4 122. Coastkeeper is informed and believes, and thereon alleges, that the  
5 2015 SWPPP fails to identify all significant materials at the Facility.

6 123. Coastkeeper is informed and believes, and thereon alleges, that without  
7 properly identifying all significant materials at the Facility in the Landfill SWPPPs, as  
8 required by the Storm Water Permit, the City cannot and has not developed all  
9 appropriate BMPs.

10 124. Coastkeeper is informed and believes, and thereon alleges, that without  
11 properly identifying all significant materials at the Facility in the Landfill SWPPPs, as  
12 required by the Storm Water Permit, the City cannot and has not implemented all  
13 appropriate BMPs.

14 125. Coastkeeper is informed and believes, and thereon alleges, that the 2006-  
15 2014 SWPPP fails to evaluate BMPs at the Facility.

16 126. Coastkeeper is informed and believes, and thereon alleges, that the  
17 2015 SWPPP fails to evaluate BMPs at the Facility.

18 127. Coastkeeper is informed and believes, and thereon alleges, that the City has  
19 failed and continues to fail to adequately evaluate the Facility's BMPs corresponding to  
20 potential pollutant sources and associated pollutants.

21 128. Coastkeeper is informed and believes, and thereon alleges, that storm water  
22 sampling from the Facility demonstrates that the Facility's storm water discharges  
23 contain concentrations of pollutants above Benchmark Levels.

24 129. Coastkeeper is informed and believes, and thereon alleges, that the repeated  
25 and significant exceedances of Benchmark Levels demonstrate that the City failed and  
26 continues to fail to develop BMPs to prevent the exposure of pollutants to storm water,  
27 and to prevent discharges of polluted storm water from the Facility.

28 130. Coastkeeper is informed and believes, and thereon alleges, that the repeated



1 and significant exceedances of Benchmark Levels demonstrate that the City failed and  
2 continues to fail to implement BMPs to prevent the exposure of pollutants to storm water,  
3 and to prevent discharges of polluted storm water from the Facility.

4 131. Coastkeeper is informed and believes, and thereon alleges, that the City has  
5 failed and continues to fail to adequately develop a SWPPP that complies with the Storm  
6 Water Permit.

7 132. Coastkeeper is informed and believes, and thereon alleges, that the City has  
8 failed and continues to fail to adequately implement a SWPPP that complies with the  
9 Storm Water Permit.

10 133. Coastkeeper is informed and believes, and thereon alleges, that the City has  
11 failed and continues to fail to adequately revise the SWPPP, despite repeated and  
12 significant concentrations of pollutants in the Facility's storm water discharges.

13 **D. The Landfill's Discharges to Receiving Waters.**

14 134. Coastkeeper is informed and believes, and thereon alleges, that the Santa  
15 Maria River discharges to the Santa Maria Estuary, then the Pacific Ocean (hereinafter  
16 referred to as the "Receiving Waters").

17 135. Coastkeeper is informed and believes, and thereon alleges, that pollutants  
18 from the Facility discharge from each of the Facility's discharge locations to the  
19 Receiving Waters.

20 136. Coastkeeper is informed and believes, and thereon alleges, that each of the  
21 Receiving Waters is a water of the United States.

22 137. Coastkeeper is informed and believes, and thereon alleges, that polluted  
23 storm water discharges from the Facility to the Receiving Waters.

24 138. Section 2.2.1 of the 2006-2014 SWPPP states that there are four (4)  
25 locations that discharge storm water from the Facility to the Santa Maria River.

26 139. Section 7.2 of the Facility 2015 SWPPP states that there are two (2)  
27 locations that discharge industrial activity storm water from the Facility.

28 140. In the Facility's Annual Reports the City states that there are four (4)

1 discharge locations at the Facility.

2 **E. Defendants' Sampling, Monitoring, and Reporting.**

3 141. Via a Public Records Act request to the Regional Board, Coastkeeper  
4 obtained an Annual Report for the Facility dated June 27, 2011.

5 142. Coastkeeper is informed and believes, and thereon alleges, that the Annual  
6 Report dated June 27, 2011, obtained from the Regional Board is the 2010-2011 Annual  
7 Report for the Facility.

8 143. Via a Public Records Act request to the Regional Board, Coastkeeper  
9 obtained an Annual Report for the Facility dated June 27, 2012.

10 144. Coastkeeper is informed and believes, and thereon alleges, that the Annual  
11 Report dated June 27, 2012, obtained from the Regional Board is the 2011-2012 Annual  
12 Report for the Facility.

13 145. Via a Public Records Act request to the Regional Board, Coastkeeper  
14 obtained an Annual Report for the Facility dated July 30, 2013.

15 146. Coastkeeper is informed and believes, and thereon alleges, that the Annual  
16 Report dated July 30, 2013, obtained from the Regional Board is the 2012-2013 Annual  
17 Report for the Facility.

18 147. Via a Public Records Act request to the Regional Board, Coastkeeper  
19 obtained an Annual Report for the Facility dated July 1, 2014.

20 148. Coastkeeper is informed and believes, and thereon alleges, that the Annual  
21 Report dated July 1, 2014, obtained from the Regional Board is the 2013-2014 Annual  
22 Report for the Facility.

23 149. Via SMARTS, Coastkeeper obtained an Annual Report for the Facility dated  
24 June 26, 2015.

25 150. Coastkeeper is informed and believes, and thereon alleges, that the Annual  
26 Report dated June 26, 2015, obtained from SMARTS is the 2014-2015 Annual Report for  
27 the Facility.

28 151. Coastkeeper refers to the above-described 2010-2011 Annual Report, 2011-



1 2012 Annual Report, 2012-2013 Annual Report, 2013-2014 Annual Report, and 2014-  
2 2015 Annual Report, collectively as the City's "Annual Reports."

3 **i. 2010-2011 Annual Report.**

4 152. Coastkeeper is informed and believes, and thereon alleges, that in section  
5 F(1)(a) of the 2010-2011 Annual Report the City reported that "authorized non-storm  
6 water discharges occur at your facility."

7 153. Coastkeeper is informed and believes, and thereon alleges, that the City  
8 failed to report in the 2010-2011 Annual Report that visual observations for authorized  
9 non-storm water discharges were conducted for all drainage areas at the Facility.

10 154. Coastkeeper is informed and believes, and thereon alleges, that the City  
11 failed to conduct visual observations for authorized non-storm water discharges for all  
12 drainage areas at the Facility in the 2010-2011 reporting year.

13 155. Coastkeeper is informed and believes, and thereon alleges, that the City  
14 failed to include required explanations of failures to conduct required visual observations  
15 of authorized non-storm water discharges in the 2010-2011 Annual Report.

16 156. Coastkeeper is informed and believes, and thereon alleges, that the City  
17 failed to report in the 2010-2011 Annual Report that visual observations for unauthorized  
18 non-storm water discharges were conducted for all drainage areas at the Facility.

19 157. Coastkeeper is informed and believes, and thereon alleges, that the City  
20 failed to conduct visual observations for unauthorized non-storm water discharges for all  
21 drainage areas at the Facility in the 2010-2011 reporting year.

22 158. Coastkeeper is informed and believes, and thereon alleges, that the City  
23 failed to include required explanations of failures to conduct required visual observations  
24 of unauthorized non-storm water discharges in the 2010-2011 Annual Report.

25 159. Coastkeeper is informed and believes, and thereon alleges, that the City  
26 failed to document the presence of any floating and suspended material, oil and grease,  
27 discolorations, turbidity, odor, and source of pollutants for all discharge locations during  
28 the 2010-2011 Wet Season.

1           160. Coastkeeper is informed and believes, and thereon alleges, that City failed to  
2 include required records of responses taken to eliminate and reduce pollutant contact with  
3 storm water in the 2010-2011 Annual Report.

4           161. Coastkeeper is informed and believes, and thereon alleges, that the City  
5 failed to analyze storm water samples as required by the Storm Water Permit during the  
6 2010-2011 Wet Season by failing to analyze storm water samples collected from  
7 discharge locations at the Facility for all required parameters.

8           162. Coastkeeper is informed and believes, and thereon alleges, that the City  
9 failed to analyze for pollutants listed as causing impairment in the receiving waters of the  
10 Defendant's discharges.

11           163. Coastkeeper is informed and believes, and thereon alleges, that the City  
12 failed to analyze storm water samples as required by the Storm Water Permit during the  
13 2010-2011 Wet Season by failing to analyze storm water samples for parameters required  
14 by 40 C.F.R. § 445.11.

15           164. Coastkeeper is informed and believes, and thereon alleges, that the City  
16 failed to conduct an adequate Annual Comprehensive Site Compliance Evaluation in the  
17 2010-2011 reporting year.

18           165. Coastkeeper is informed and believes, and thereon alleges, that the City  
19 failed to include required reports of incidents of non-compliance and corrective actions  
20 taken in the 2010-2011 Annual Report.

21           166. Coastkeeper is informed and believes, and thereon alleges, that the City  
22 failed to include required explanations of why the City did not implement activities  
23 required by the Storm Water Permit in the 2010-2011 Annual Report.

24           167. Coastkeeper is informed and believes, and thereon alleges, that the City  
25 erroneously certified compliance with the Storm Water Permit in the 2010-2011 Annual  
26 Report.

27           **ii.     2011-2012 Annual Report.**

28           168. Coastkeeper is informed and believes, and thereon alleges, that in section

1 F(1)(a) of the 2011-2012 Annual Report the City reported that “authorized non-storm  
2 water discharges occur at your facility.”

3 169. Coastkeeper is informed and believes, and thereon alleges, that the City  
4 failed to report in the 2011-2012 Annual Report that visual observations for authorized  
5 non-storm water discharges were conducted for all drainage areas at the Facility.

6 170. Coastkeeper is informed and believes, and thereon alleges, that the City  
7 failed to conduct visual observations for authorized non-storm water discharges for all  
8 drainage areas at the Facility in the 2011-2012 reporting year.

9 171. Coastkeeper is informed and believes, and thereon alleges, that the City  
10 failed to include required explanations of failures to conduct required visual observations  
11 of authorized non-storm water discharges in the 2011-2012 Annual Report.

12 172. Coastkeeper is informed and believes, and thereon alleges, that the City  
13 failed to report in the 2011-2012 Annual Report that visual observations for unauthorized  
14 non-storm water discharges were conducted for all drainage areas at the Facility.

15 173. Coastkeeper is informed and believes, and thereon alleges, that the City  
16 failed to conduct visual observations for unauthorized non-storm water discharges for all  
17 drainage areas at the Facility in the 2011-2012 reporting year.

18 174. Coastkeeper is informed and believes, and thereon alleges, that the City  
19 failed to include required explanations of failures to conduct required visual observations  
20 of unauthorized non-storm water discharges in the 2011-2012 Annual Report.

21 175. Coastkeeper is informed and believes, and thereon alleges, that the City  
22 failed to document the presence of any floating and suspended material, oil and grease,  
23 discolorations, turbidity, odor, and source of pollutants for all discharge locations during  
24 the 2011-2012 Wet Season.

25 176. Coastkeeper is informed and believes, and thereon alleges, that City failed to  
26 include required records of responses taken to eliminate and reduce pollutant contact with  
27 storm water in the 2011-2012 Annual Report.

28 177. Coastkeeper is informed and believes, and thereon alleges, that in section

1 E.4 of the 2011-2012 Annual Report the City reports that samples were collected from  
2 each discharge location.

3 178. Coastkeeper is informed and believes, and thereon alleges, that the City  
4 failed to collect storm water samples from each discharge location as required by the  
5 Storm Water Permit during the 2011-2012 Wet Season.

6 179. Coastkeeper is informed and believes, and thereon alleges, that the City  
7 failed to analyze storm water samples as required by the Storm Water Permit during the  
8 2011-2012 Wet Season by failing to analyze storm water samples collected from  
9 discharge locations at the Facility for all required parameters.

10 180. Coastkeeper is informed and believes, and thereon alleges, that the City  
11 failed to analyze storm water samples as required by the Storm Water Permit during the  
12 2011-2012 Wet Season by failing to analyze storm water samples for parameters required  
13 by 40 C.F.R. § 445.11.

14 181. Coastkeeper is informed and believes, and thereon alleges, that the City  
15 failed to analyze for pollutants listed as causing impairment in the receiving waters of the  
16 Defendant's discharges.

17 182. Coastkeeper is informed and believes, and thereon alleges, that the City  
18 failed to conduct an adequate Annual Comprehensive Site Compliance Evaluation in the  
19 2011-2012 reporting year.

20 183. Coastkeeper is informed and believes, and thereon alleges, that the City  
21 failed to include required reports of incidents of non-compliance and corrective actions  
22 taken in the 2011-2012 Annual Report.

23 184. Coastkeeper is informed and believes, and thereon alleges, that the City  
24 failed to include required explanations of why the City did not implement activities  
25 required by the Storm Water Permit in the 2011-2012 Annual Report.

26 185. Coastkeeper is informed and believes, and thereon alleges, that the City  
27 erroneously certified compliance with the Storm Water Permit in the 2011-2012 Annual  
28 Report.



**iii. 2012-2013 Annual Report.**

186. Coastkeeper is informed and believes, and thereon alleges, that in section F(1)(a) of the 2012-2013 Annual Report the City reported that “authorized non-storm water discharges occur at your facility.”

187. Coastkeeper is informed and believes, and thereon alleges, that the City failed to report in the 2012-2013 Annual Report that visual observations for authorized non-storm water discharges were conducted for all drainage areas at the Facility.

188. Coastkeeper is informed and believes, and thereon alleges, that the City failed to conduct visual observations for authorized non-storm water discharges for all drainage areas at the Facility in the 2012-2013 reporting year.

189. Coastkeeper is informed and believes, and thereon alleges, that the City failed to include required explanations of failures to conduct required visual observations of authorized non-storm water discharges in the 2012-2013 Annual Report.

190. Coastkeeper is informed and believes, and thereon alleges, that the City failed to report in the 2012-2013 Annual Report that visual observations for unauthorized non-storm water discharges were conducted for all drainage areas at the Facility.

191. Coastkeeper is informed and believes, and thereon alleges, that the City failed to conduct visual observations for unauthorized non-storm water discharges for all drainage areas at the Facility in the 2012-2013 reporting year.

192. Coastkeeper is informed and believes, and thereon alleges, that the City failed to include required explanations of failures to conduct required visual observations of unauthorized non-storm water discharges in the 2012-2013 Annual Report.

193. Coastkeeper is informed and believes, and thereon alleges, that the City failed to document the presence of any floating and suspended material, oil and grease, discolorations, turbidity, odor, and source of pollutants for all discharge locations during the 2012-2013 Wet Season.

194. Coastkeeper is informed and believes, and thereon alleges, that City failed to include required records of responses taken to eliminate and reduce pollutant contact with

1 storm water in the 2012-2013 Annual Report.

2 195. Coastkeeper is informed and believes, and thereon alleges, that the City  
3 failed to analyze storm water samples as required by the Storm Water Permit during the  
4 2012-2013 Wet Season by failing to analyze storm water samples collected from  
5 discharge locations at the Facility for all required parameters.

6 196. Coastkeeper is informed and believes, and thereon alleges, that the City  
7 failed to analyze storm water samples as required by the Storm Water Permit during the  
8 2012-2013 Wet Season by failing to analyze storm water samples for parameters required  
9 by 40 C.F.R. § 445.11.

10 197. Coastkeeper is informed and believes, and thereon alleges, that the City  
11 failed to analyze for pollutants listed as causing impairment in the receiving waters of the  
12 Defendant's discharges.

13 198. Coastkeeper is informed and believes, and thereon alleges, that the City  
14 failed to conduct an adequate Annual Comprehensive Site Compliance Evaluation in the  
15 2012-2013 reporting year.

16 199. Coastkeeper is informed and believes, and thereon alleges, that the City  
17 failed to include required reports of incidents of non-compliance and corrective actions  
18 taken in the 2012-2013 Annual Report.

19 200. Coastkeeper is informed and believes, and thereon alleges, that the City  
20 failed to include required explanations of why the City did not implement activities  
21 required by the Storm Water Permit in the 2012-2013 Annual Report.

22 201. Coastkeeper is informed and believes, and thereon alleges, that the City  
23 noted deficiencies in BMPs or BMP implementation in the 2012-2013 Annual Report.

24 202. Coastkeeper is informed and believes, and thereon alleges, that the City  
25 noted additional/revised BMPs or corrective action needed in the 2012-2013 Annual  
26 Report

27 203. Coastkeeper is informed and believes, and thereon alleges, that the City  
28 erroneously certified compliance with the Storm Water Permit in the 2012-2013 Annual



1 Report.

2 **iv. 2013-2014 Annual Report.**

3 204. Coastkeeper is informed and believes, and thereon alleges, that in section  
4 F(1)(a) of the 2013-2014 Annual Report the City reported that “authorized non-storm  
5 water discharges occur at your facility.”

6 205. Coastkeeper is informed and believes, and thereon alleges, that the City  
7 failed to report in the 2013-2014 Annual Report that visual observations for authorized  
8 non-storm water discharges were conducted for all drainage areas at the Facility.

9 206. Coastkeeper is informed and believes, and thereon alleges, that the City  
10 failed to conduct visual observations for authorized non-storm water discharges for all  
11 drainage areas at the Facility in the 2013-2014 reporting year.

12 207. Coastkeeper is informed and believes, and thereon alleges, that the City  
13 failed to include required explanations of failures to conduct required visual observations  
14 of authorized non-storm water discharges in the 2013-2014 Annual Report.

15 208. Coastkeeper is informed and believes, and thereon alleges, that the City  
16 failed to report in the 2013-2014 Annual Report that visual observations for unauthorized  
17 non-storm water discharges were conducted for all drainage areas at the Facility.

18 209. Coastkeeper is informed and believes, and thereon alleges, that the City  
19 failed to conduct visual observations for unauthorized non-storm water discharges for all  
20 drainage areas at the Facility in the 2013-2014 reporting year.

21 210. Coastkeeper is informed and believes, and thereon alleges, that the City  
22 failed to include required explanations of failures to conduct required visual observations  
23 of unauthorized non-storm water discharges in the 2013-2014 Annual Report.

24 211. Coastkeeper is informed and believes, and thereon alleges, that the City  
25 reports in Form 4 of the 2013-2014 Annual Report that visual observations of storm  
26 water discharges were not conducted for all discharge locations each month at the  
27 Facility.

28 212. Coastkeeper is informed and believes, and thereon alleges, that the City

1 failed to conduct visual observations of storm water discharges for all discharge locations  
2 each month at the Facility in the 2013-2014 reporting year.

3 213. Coastkeeper is informed and believes, and thereon alleges, that the City  
4 failed to document the presence of any floating and suspended material, oil and grease,  
5 discolorations, turbidity, odor, and source of pollutants for all discharge locations during  
6 the 2013-2014 Wet Season.

7 214. Coastkeeper is informed and believes, and thereon alleges, that City failed to  
8 include required records of responses taken to eliminate and reduce pollutant contact with  
9 storm water in the 2013-2014 Annual Report.

10 215. Coastkeeper is informed and believes, and thereon alleges, that the City  
11 failed to analyze storm water samples as required by the Storm Water Permit during the  
12 2013-2014 Wet Season by failing to analyze storm water samples collected from  
13 discharge locations at the Facility for all required parameters.

14 216. Coastkeeper is informed and believes, and thereon alleges, that the City  
15 failed to analyze storm water samples as required by the Storm Water Permit during the  
16 2013-2014 Wet Season by failing to analyze storm water samples for parameters required  
17 by 40 C.F.R. § 445.11.

18 217. Coastkeeper is informed and believes, and thereon alleges, that the City  
19 failed to analyze for pollutants listed as causing impairment in the receiving waters of the  
20 Defendant's discharges.

21 218. Coastkeeper is informed and believes, and thereon alleges, that the City  
22 failed to conduct an adequate Annual Comprehensive Site Compliance Evaluation in the  
23 2013-2014 reporting year.

24 219. Coastkeeper is informed and believes, and thereon alleges, that the City  
25 failed to include required reports of incidents of non-compliance and corrective actions  
26 taken in the 2013-2014 Annual Report.

27 220. Coastkeeper is informed and believes, and thereon alleges, that the City  
28 failed to include required explanations of why the City did not implement activities

1 required by the Storm Water Permit in the 2013-2014 Annual Report.

2 221. Coastkeeper is informed and believes, and thereon alleges, that the City  
3 noted deficiencies in BMPs or BMP implementation in the 2103-2014 Annual Report.

4 222. Coastkeeper is informed and believes, and thereon alleges, that the City  
5 noted additional/revised BMPs or corrective action needed in the 2103-2014 Annual  
6 Report

7 223. Coastkeeper is informed and believes, and thereon alleges, that the City  
8 erroneously certified compliance with the Storm Water Permit in the 2013-2014 Annual  
9 Report.

10 **v. 2014-2015 Annual Report.**

11 224. Coastkeeper is informed and believes, and thereon alleges, that in section  
12 F(1)(a) of the 2014-2015 Annual Report the City reported that “authorized non-storm  
13 water discharges occur at your facility.”

14 225. Coastkeeper is informed and believes, and thereon alleges, that the City  
15 failed to report in the 2014-2015 Annual Report that visual observations for authorized  
16 non-storm water discharges were conducted for all drainage areas at the Facility.

17 226. Coastkeeper is informed and believes, and thereon alleges, that the City  
18 failed to conduct visual observations for authorized non-storm water discharges for all  
19 drainage areas at the Facility in the 2014-2015 reporting year.

20 227. Coastkeeper is informed and believes, and thereon alleges, that the City  
21 failed to include required explanations of failures to conduct required visual observations  
22 of authorized non-storm water discharges in the 2014-2015 Annual Report.

23 228. Coastkeeper is informed and believes, and thereon alleges, that the City  
24 failed to report in the 2014-2015 Annual Report that visual observations for unauthorized  
25 non-storm water discharges were conducted for all drainage areas at the Facility.

26 229. Coastkeeper is informed and believes, and thereon alleges, that the City  
27 failed to conduct visual observations for unauthorized non-storm water discharges for all  
28 drainage areas at the Facility in the 2014-2015 reporting year.

1       230. Coastkeeper is informed and believes, and thereon alleges, that the City  
2 failed to include required explanations of failures to conduct required visual observations  
3 of unauthorized non-storm water discharges in the 2014-2015 Annual Report.

4       231. Coastkeeper is informed and believes, and thereon alleges, that the City  
5 failed to document the presence of any floating and suspended material, oil and grease,  
6 discolorations, turbidity, odor, and source of pollutants for all discharge locations during  
7 the 2014-2015 Wet Season.

8       232. Coastkeeper is informed and believes, and thereon alleges, that City reports  
9 in the 2014-2015 Annual Report that it failed to conduct one observation of all discharge  
10 locations each month during the 2014-2015 Wet Season.

11       233. Coastkeeper is informed and believes, and thereon alleges, that the City  
12 failed to conduct one observation of all discharge locations each month during the 2014-  
13 2015 Wet Season.

14       234. Coastkeeper is informed and believes, and thereon alleges, that City reports  
15 in the 2014-2015 Annual Report that it failed to conduct visual observations of storm  
16 water discharges during the first hour of discharge for all discharge locations.

17       235. Coastkeeper is informed and believes, and thereon alleges, that City failed to  
18 conduct visual observations of storm water discharges during the first hour of discharge  
19 for all discharge locations during the 2014-2015 Wet Season.

20       236. Coastkeeper is informed and believes, and thereon alleges, that City failed to  
21 include required records of responses taken to eliminate and reduce pollutant contact with  
22 storm water in the 2014-2015 Annual Report.

23       237. Coastkeeper is informed and believes, and thereon alleges, that the City  
24 reports that it failed to collect storm water samples as required by the Storm Water Permit  
25 during the 2014-2015 Wet Season by failing to collect storm water samples during the  
26 first hour of discharge.

27       238. Coastkeeper is informed and believes, and thereon alleges, that the City  
28 failed to collect storm water samples as required by the Storm Water Permit during the



1 2014-2015 Wet Season by failing to collect storm water samples during the first hour of  
2 discharge.

3 239. Coastkeeper is informed and believes, and thereon alleges, that the City  
4 failed to analyze storm water samples as required by the Storm Water Permit during the  
5 2014-2015 Wet Season by failing to analyze storm water samples collected from  
6 discharge locations at the Facility for all required parameters.

7 240. Coastkeeper is informed and believes, and thereon alleges, that the City  
8 failed to analyze storm water samples as required by the Storm Water Permit during the  
9 2014-2015 Wet Season by failing to analyze storm water samples for parameters required  
10 by 40 C.F.R. § 445.11.

11 241. Coastkeeper is informed and believes, and thereon alleges, that the City  
12 failed to analyze for pollutants listed as causing impairment in the receiving waters of the  
13 Defendant's discharges.

14 242. Coastkeeper is informed and believes, and thereon alleges, that the City  
15 failed to conduct an adequate Annual Comprehensive Site Compliance Evaluation in the  
16 2014-2015 reporting year.

17 243. Coastkeeper is informed and believes, and thereon alleges, that the City  
18 failed to include required reports of incidents of non-compliance and corrective actions  
19 taken in the 2014-2015 Annual Report.

20 244. Coastkeeper is informed and believes, and thereon alleges, that the City  
21 failed to include required explanations of why the City did not implement activities  
22 required by the Storm Water Permit in the 2014-2015 Annual Report.

23 245. Coastkeeper is informed and believes, and thereon alleges, that the City  
24 reported deficiencies in BMPs or BMP implementation in the 2014-2015 Annual Report.

25 246. Coastkeeper is informed and believes, and thereon alleges, that the City  
26 reported additional/revised BMPs or corrective action needed in the 2014-2015 Annual  
27 Report.

28 247. Coastkeeper is informed and believes, and thereon alleges, that the City



erroneously certified compliance with the Storm Water Permit in the 2014-2015 Annual Report.

**VI. CLAIMS FOR RELIEF**

**FIRST CAUSE OF ACTION**

**Defendant's Discharges of Storm Water Containing Pollutants in Excess of Subchapter N Effluent Limitations in Violation of the Storm Water Permit and the Clean Water Act.**

**33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)**

248. Plaintiffs incorporate the allegations contained in the above paragraphs as though fully set forth herein.

249. Plaintiffs are informed and believe, and thereon allege, that the Defendant discharges landfill wastewater, including but not limited to contaminated storm water, in violation of the Subchapter N federal effluent limitations in 40 C.F.R. part 445.

250. Plaintiffs are informed and believe, and thereon allege, that discharges of storm water containing levels of pollutants in excess of federal effluent limitations occur every time storm water discharges from the Facility.

251. The Defendant violates and will continue to violate the Storm Water Permit each and every time storm water containing levels of pollutants in excess of federal effluent limitations discharges from the Facility.

252. Plaintiffs are informed and believe, and thereon allege, that the Defendant's violations of the Storm Water Permit's Effluent Limitation and the Clean Water Act are ongoing and continuous.

253. Each and every time the Defendant discharges storm water from the Facility in violation of the Storm Water Permit is a separate and distinct violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

254. By committing the acts and omissions alleged above, the Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from September 5, 2010 to the present, pursuant to sections 309(d) and 505 of

1 the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

2 255. An action for injunctive relief under the CWA is authorized by 33 U.S.C.  
3 § 1365(a). Continuing commission of the acts and omissions alleged above would  
4 irreparably harm Plaintiffs, their members, and the citizens of the State of California, for  
5 which harm they has no plain, speedy, or adequate remedy at law.

6 256. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because  
7 an actual controversy exists as to the rights and other legal relations of the parties.

8 WHEREFORE, Plaintiffs pray for judgment against Defendant as set forth  
9 hereafter.

10 **SECOND CAUSE OF ACTION**

11 **Defendant's Failure to Develop and/or Implement BMPs That Achieve Compliance**  
12 **with BAT/BCT in Violation of the Storm Water Permit's Effluent Limitation and**  
13 **the Clean Water Act.**

14 **33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)**

15 257. Plaintiffs incorporate the allegations contained in the above paragraphs as  
16 though fully set forth herein.

17 258. Plaintiffs are informed and believe, and thereon allege, that Defendant failed  
18 and continues to fail to reduce or prevent pollutants associated with industrial activities at  
19 the Facility through implementation of BMPs that achieve BAT/BCT.

20 259. Plaintiffs are informed and believe, and thereon allege, that discharges of  
21 storm water containing levels of pollutants that do not achieve compliance with  
22 BAT/BCT standards occur every time storm water discharges from the Facility.

23 260. The Defendant violates and will continue to violate the Storm Water Permit  
24 each and every time storm water containing levels of pollutants that do not achieve  
25 BAT/BCT standards discharges from the Facility.

26 261. Coastkeeper is informed and believes, and thereon alleges, that the  
27 Defendant's violations of the Storm Water Permit's Effluent Limitation and the Clean  
28 Water Act are ongoing and continuous.

262. Each and every time the Defendant discharges contaminated storm water from the Facility in violation of the Storm Water Permit is a separate and distinct violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

263. By committing the acts and omissions alleged above, the Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from September 5, 2010, to the present, pursuant to sections 309(d) and 505 of the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

264. An action for injunctive relief under the CWA is authorized by 33 U.S.C. § 1365(a). Continuing commission of the acts and omissions alleged above would irreparably harm Plaintiffs and the citizens of the State of California, for which harm Coastkeeper has no plain, speedy, or adequate remedy at law.

265. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because an actual controversy exists as to the rights and other legal relations of the parties.

WHEREFORE, Plaintiffs pray for judgment against Defendants as set forth hereafter.

### THIRD CAUSE OF ACTION

**Defendant's Discharges of Contaminated Storm Water that Adversely Impact Human Health and the Environment in Violation of the Storm Water Permit's Receiving Water Limitation and the Clean Water Act.**

**33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)**

266. Plaintiffs incorporate the allegations contained in the above paragraphs as though fully set forth herein.

267. Plaintiffs are informed and believe, and thereon allege, that discharges of storm water containing levels of pollutants that adversely impact human health and/or the environment occur each time storm water discharges from the Facility.

268. Plaintiffs are informed and believe, and thereon allege, that discharges of storm water that adversely impact human health and/or the environment occurs every time storm water is discharged from the Facility.

1        269. The Defendant violates and will continue to violate the Storm Water Permit  
2 each and every time storm water containing levels of pollutants that adversely impact  
3 human health and/or the environment discharges from the Facility.

4        270. Plaintiffs are informed and believe, and thereon allege, that the Defendant's  
5 violations of the Storm Water Permit's Receiving Water Limitation and the CWA are  
6 ongoing and continuous.

7        271. Each and every violation of the Storm Water Permit is a separate and distinct  
8 violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

9        272. By committing the acts and omissions alleged above, the Defendant is  
10 subject to an assessment of civil penalties for each and every violation of the CWA  
11 occurring from September 5, 2010, to the present, pursuant to sections 309(d) and 505 of  
12 the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

13        273. An action for injunctive relief under the Clean Water Act is authorized by 33  
14 U.S.C. § 1365(a). Continuing commission of the acts and omissions alleged above would  
15 irreparably harm Plaintiffs and the citizens of the State of California, for which harm  
16 Coastkeeper has no plain, speedy, or adequate remedy at law.

17        274. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because  
18 an actual controversy exists as to the rights and other legal relations of the parties.

19        WHEREFORE, Plaintiffs pray for judgment against Defendants as set forth  
20 hereafter.

21                                    **FOURTH CAUSE OF ACTION**

22        **Defendants' Discharges of Contaminated Storm Water That Cause or Contribute**  
23        **to an Exceedance of a Water Quality Standard in Violation of Storm Water**  
24        **Permit's Receiving Water Limitation and the Clean Water Act.**

25                                    **33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)**

26        275. Plaintiffs incorporate the allegations contained in the above paragraph as  
27 though fully set forth herein.

28        276. Plaintiffs are informed and believe, and thereon allege, that discharges of

1 storm water containing levels of pollutants that cause or contribute to exceedances of  
2 water quality standards occur each time storm water discharges from the Facility.

3 277. Plaintiffs are informed and believe, and thereon allege, that discharges of  
4 storm water that containing levels of pollutants that cause or contribute to exceedances of  
5 water quality standards occur every time storm water is discharged from the Facility.

6 278. The Defendant violates and will continue to violate the Storm Water Permit  
7 each and every time storm water containing levels of pollutants that cause or contribute to  
8 exceedances of water quality standards discharges from the Facility.

9 279. Plaintiffs are informed and believe, and thereon allege, that the City's  
10 violations of the Storm Water Permit's Receiving Water Limitation and the CWA are  
11 ongoing and continuous.

12 280. Each and every violation of the Storm Water Permit is a separate and distinct  
13 violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

14 281. By committing the acts and omissions alleged above, the Defendant is  
15 subject to an assessment of civil penalties for each and every violation of the CWA  
16 occurring from September 5, 2010, to the present, pursuant to sections 309(d) and 505 of  
17 the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

18 282. An action for injunctive relief under the CWA is authorized by 33 U.S.C.  
19 § 1365(a). Continuing commission of the acts and omissions alleged above would  
20 irreparably harm Plaintiffs and the citizens of the State of California, for which harm  
21 Coastkeeper has no plain, speedy, or adequate remedy at law.

22 283. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because  
23 an actual controversy exists as to the rights and other legal relations of the parties.

24 WHEREFORE, Plaintiffs pray for judgment against Defendant as set forth  
25 hereafter.

26 ///

27 ///

28 ///



**FIFTH CAUSE OF ACTION**

**Defendant's Failure to Adequately Develop, Implement, and/or  
Revise a Storm Water Pollution Prevention Plan in Violation of the  
Storm Water Permit and the Clean Water Act.**

**33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)**

284. Plaintiffs incorporate the allegations contained in the above paragraphs as though fully set forth herein.

285. Plaintiffs are informed and believe, and thereon allege, that the Defendant has failed and continues to fail to develop an adequate SWPPP for the Facility, in violation of the Storm Water Permit.

286. Plaintiffs are informed and believe, and thereon allege, that the Defendant has failed and continues to fail to adequately implement a SWPPP for the Facility, in violation of the Storm Water Permit.

287. Plaintiffs are informed and believe, and thereon allege, that Defendant has failed and continues to fail to adequately revise a SWPPP for the Facility, in violation of the Storm Water Permit.

288. The Defendant has been in violation of the Storm Water Permit at the Facility every day from September 4, 2010 to the present.

289. The Defendant's violations of the Storm Water Permit and the CWA at the Facility are ongoing and continuous.

290. The Defendant will continue to be in violation of the Storm Water Permit and the CWA each and every day the City fails to adequately develop, implement, and/or revise the SWPPP for the Facility.

291. Each and every violation of the Storm Water Permit's SWPPP requirements at the Facility is a separate and distinct violation of the CWA.

292. By committing the acts and omissions alleged above, the Defendant is subject to an assessment of civil penalties for each and every violation of the CWA occurring from September 5, 2010 to the present, pursuant to sections 309(d) and 505 of

1 the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

2 293. An action for injunctive relief under the CWA is authorized by section  
3 505(a) of the CWA. 33 U.S.C. § 1365(a). Continuing commission of the acts and  
4 omissions alleged above would irreparably harm Coastkeeper, their members, and the  
5 citizens of the State of California, for which harm they have no plain, speedy, or adequate  
6 remedy at law.

7 294. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because  
8 an actual controversy exists as to the rights and other legal relations of the parties.

9 WHEREFORE, Plaintiffs pray for judgment against the Defendant as set forth  
10 hereafter.

11 **SIXTH CAUSE OF ACTION**

12 **Defendant's Failure to Adequately Develop, Implement, and/or**  
13 **Revise a Monitoring and Reporting Program in Violation of the**  
14 **Storm Water Permit and the Clean Water Act.**

15 **33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)**

16 295. Plaintiff incorporate the allegations contained in the above paragraphs as  
17 though fully set forth herein.

18 296. Plaintiffs are informed and believe, and thereon allege, that the Defendant  
19 has failed and continues to fail to develop an adequate M&RP for the Facility, in  
20 violation of the Storm Water Permit.

21 297. Plaintiffs are informed and believe, and thereon allege, that the Defendant  
22 has failed and continues to fail to adequately implement an M&RP for the Facility, in  
23 violation of the Storm Water Permit.

24 298. Plaintiffs are informed and believe, and thereon allege, that the Defendant  
25 has failed and continues to fail to adequately revise an M&RP for the Facility, in  
26 violation of the Storm Water Permit.

27 299. The Defendant has been in violation of the Storm Water Permit's monitoring  
28 requirements at the Facility every day from September 4, 2010 to the present.

1       300. The Defendant's violations of the Storm Water Permit's monitoring  
2 requirements and the CWA at the Facility are ongoing and continuous.

3       301. The Defendant will continue to be in violation of Section B and Provision  
4 E(3) the 1997 Permit, Section XI of the 2015 Permit, and the CWA each and every day it  
5 fails to adequately develop, implement, and/or revise an M&RP for the Facility.

6       302. Each and every violation of the Storm Water Permit's M&RP requirements  
7 at the Facility is a separate and distinct violation of the CWA.

8       303. By committing the acts and omissions alleged above, the Defendant is  
9 subject to an assessment of civil penalties for each and every violation of the CWA  
10 occurring from September 5, 2010 to the present, pursuant to sections 309(d) and 505 of  
11 the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

12       304. An action for injunctive relief under the CWA is authorized by section  
13 505(a) of the CWA. 33 U.S.C. § 1365(a). Continuing commission of the acts and  
14 omissions alleged above would irreparably harm Coastkeeper, their members, and the  
15 citizens of the State of California, for which harm they have no plain, speedy, or adequate  
16 remedy at law.

17       305. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because  
18 an actual controversy exists as to the rights and other legal relations of the Parties.

19       WHEREFORE, Plaintiffs pray judgment against the Defendant as set forth  
20 hereafter.

21                               **SEVENTH CAUSE OF ACTION**

22                   **Defendant's Failure to Report as Required by the Storm Water**  
23                   **Permit in Violation of the Storm Water Permit and the Clean**  
24                   **Water Act.**

25                   **33 U.S.C. §§ 1311(a), 1342, 1365(a) and 1365(f)**

26       306. Plaintiffs incorporate the allegations contained in the above paragraphs as  
27 though fully set forth herein.

28       307. Plaintiffs are informed and believe, and thereon allege, that the Defendant

1 has failed and continues to fail to submit accurate Annual Reports to the Regional Board,  
2 in violation of Sections B(14), C(9), and C(10) of the 1997 Permit.

3 308. Plaintiffs are informed and believe, and thereon allege, that the Defendant's  
4 Annual Reports failed and continue to fail to meet the monitoring and reporting  
5 requirements of the Storm Water Permit.

6 309. Plaintiffs are informed and believe, and thereon allege, that the Defendant  
7 has failed and continues to fail to submit complete Annual Reports to the Regional  
8 Board.

9 310. The Defendant has been in violation of the Storm Water Permit and CWA  
10 every day since at least September 4, 2010.

11 311. The Defendant's violations of the reporting requirements of the Storm Water  
12 Permit and the CWA are ongoing and continuous.

13 312. By committing the acts and omissions alleged above, the Defendant is  
14 subject to an assessment of civil penalties for each and every violation of the CWA  
15 occurring from September 5, 2010 to the present, pursuant to sections 309(d) and 505 of  
16 the CWA, 33 U.S.C. §§ 1319(d), 1365, and 40 C.F.R. § 19.4.

17 313. An action for injunctive relief under the CWA is authorized by section  
18 505(a) of the CWA. 33 U.S.C. § 1365(a). Continuing commission of the acts and  
19 omissions alleged above would irreparably harm Coastkeeper, their members, and the  
20 citizens of the State of California, for which harm they have no plain, speedy, or adequate  
21 remedy at law.

22 314. An action for declaratory relief is authorized by 28 U.S.C. § 2201(a) because  
23 an actual controversy exists as to the rights and other legal relations of the Parties.

24 WHEREFORE, Plaintiffs pray judgment against the Defendant as set forth  
25 hereafter.

26 **VII. RELIEF REQUESTED**

27 315. Plaintiffs respectfully request that this Court grant the following relief:

28 a. A Court order declaring Defendant to have violated and to be in violation of

1 the Storm Water Permit and Sections 301(a) and 402(p) of the CWA, 33 U.S.C.

2 § 1311(a), for its discharges of pollutants not in compliance with the Storm Water Permit  
3 and its violations of the substantive and procedural requirements of the Storm Water  
4 Permit;

5 b. A Court order enjoining Defendant from violating the substantive and  
6 procedural requirements of the Storm Water Permit;

7 c. A Court order requiring Defendant to develop and implement affirmative  
8 injunctive measures to eliminate Defendant's violations of the substantive and procedural  
9 requirements of the Storm Water Permit and the Clean Water Act;

10 d. A Court order assessing civil monetary penalties for each violation of the  
11 CWA at \$37,500 per day per violation for violations occurring since September 4, 2010,  
12 as permitted by 33 U.S.C. § 1319(d) and 40 C.F.R. § 19.4;

13 e. A Court order awarding Plaintiffs their reasonable costs of suit, including  
14 attorney, witness, expert, and consultant fees, as permitted by section 505(d) of the Clean  
15 Water Act, 33 U.S.C. § 1365(d); and

16 f. Any other relief as this Court may deem appropriate.

17  
18 Dated: November 4, 2015

Respectfully submitted,

19 LAWYERS FOR CLEAN WATER, INC.

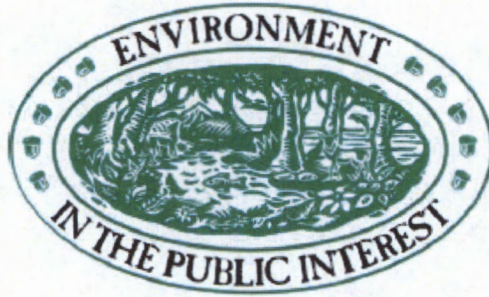
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Daniel Cooper  
Attorneys for Plaintiffs  
Environment in the Public Interest and San  
Luis Obispo Coastkeeper





**Exhibit A**



**San Luis Obispo COASTKEEPER®**

EPI-Center, 1013 Monterey Street, Suite 202 San Luis Obispo, CA 93401 Phone and Fax: 805-781-9932

June 15, 2015

**VIA CERTIFIED MAIL**

Rick Haydon, City Manager  
City of Santa Maria  
110 E. Cook Street  
Santa Maria, California 93454

Shad S. Springer, Director, Utilities Department  
City of Santa Maria  
2065 E. Main Street  
Santa Maria, California 93454

**Re: Notice of Violation and Intent to File Suit Under the Clean Water Act**

To Whom It May Concern:

I am writing on behalf of San Luis Obispo Coastkeeper, a project of Environment in the Public Interest (collectively "Coastkeeper") in regard to violations of the Clean Water Act ("CWA")<sup>1</sup> and California's Storm Water Permit<sup>2</sup> occurring at the Santa Maria Sanitary Landfill facility, located at 2065 E. Main Street in Santa Maria, California (hereinafter "Santa Maria Landfill" or "Facility"). The purpose of this letter ("Notice Letter"), issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, is to put the City of Santa Maria (referred to hereinafter as "Santa Maria Landfill Owner and Operator" or the "City") on notice of the violations of the Storm Water Permit occurring at the Santa Maria Landfill, including, but not limited to, violations caused by discharges of polluted storm water from the Facility into the Santa Maria River, the Santa Maria Estuary, and the Pacific Ocean (hereinafter "Receiving Waters"). Violations of the Storm Water Permit are violations of the Clean Water Act. As explained below, the Santa Maria Landfill Owner and Operator is liable for violations of the Storm Water Permit and the Clean Water Act.

<sup>1</sup> Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

<sup>2</sup> National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ. The Storm Water Permit was reissued by Order 2014-0057-DWQ and will take effect on July 1, 2015 (hereinafter referred to as "Reissued Permit"). The terms of the Reissued Permit are as or more stringent than the 1997 Storm Water Permit.



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Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. If the alleged violator is a state or local agency, notice must be given to the head of the entity responsible for the violations, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the chief administrative officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation.<sup>3</sup> This Notice Letter is being sent to you as the responsible owner and operator of the Facility. By this Notice Letter, Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that, after the expiration of sixty (60) days from the date of this Notice Letter, Coastkeeper intends to file an enforcement action in federal court against it for violations of the Storm Water Permit and the Clean Water Act.

**I. Background.**

**A. San Luis Obispo Coastkeeper.**

Coastkeeper is a non-profit 501(c)(3) public benefit corporation organized under the laws of California with its main office at 1013 Monterey Street, Suite 202 in San Luis Obispo, California. Coastkeeper's members live and/or recreate in and around the waters in San Luis Obispo and Northern Santa Barbara County, including the Receiving Waters. Coastkeeper is the only environmental watchdog dedicated solely to enforcement of water quality, watershed protection, and coastal planning regulations in San Luis Obispo, and northern Santa Barbara counties. To further its mission, Coastkeeper actively seeks federal and state implementation of the environmental laws.

As explained herein, the Santa Maria Landfill Owner and Operator has continuously discharged pollutants into the Receiving Waters in violation of the Clean Water Act and the Storm Water Permit. Coastkeeper members use the water to fish, kayak, boat, wade and swim in as well as hike and bike along the water's banks. Additionally, Coastkeeper members use the water to view wildlife, and engage in scientific study through pollution and habitat monitoring and restoration activities. Thus, the interests of Coastkeeper's members have been, are being, and will continue to be adversely affected by the Santa Maria Landfill Owner's and Operator's failure to comply with the Clean Water Act and the Storm Water Permit.

**B. The Owner and Operator of the Landfill.**

The City is a municipality incorporated under the laws of the State of California. Information available to Coastkeeper indicates that the City is the owner and operator of the Santa Maria Landfill. The Department of Utilities is a department of the City, and is responsible for storm water management within the City. A discharger of industrial storm water such as the City is required to apply for coverage under the Storm Water Permit by submitting a Notice of

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<sup>3</sup> 40 C.F.R. § 135.2(a)(1).

Intent (“NOI”) to obtain Storm Water Permit coverage to the State Water Resources Control Board (“State Board”).<sup>4</sup> Information available to Coastkeeper indicates that the City has been covered under the Storm Water Permit since at least June 15, 2010.

As explained herein, the City is liable for violations of the Storm Water Permit and the Clean Water Act occurring at the Santa Maria Landfill.

**C. Storm Water Pollution.**

With every significant rainfall event millions of gallons of polluted storm water originating from industrial operations such as the Santa Maria Landfill pour into storm drains and the local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from facilities such as the Santa Maria Landfill contain pollutants such as: Oil & Grease, pH-affecting substances, solvent, salts, bacteria, hydraulic fluid, anti-freeze, battery acid, cutting oils, lubricants, cleaning agents, phenols, herbicides and pesticides, plastic pellets, total suspended solids, iron, lead, aluminum, asbestos, copper, zinc, chemical oxygen demand, magnesium, ammonia, arsenic, cadmium, cyanide, mercury, selenium, silver, fuel and fuel additives, coolant, aromatic hydrocarbons, chlorinated hydrocarbons, inorganic nitrogen, and/or fugitive and other dust, dirt, and debris. Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, developmental, or reproductive harm. Discharges of polluted storm water to the Receiving Waters via the storm drain system pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries, the Receiving Waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. For example, the Santa Maria River supports the endangered Southern California Steelhead, and Arroyo Chub, among other species. Storm water contaminated with sediment, heavy metals and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public’s use of the Receiving Waters for water contact recreation exposes many people to toxic metals and other contaminants in storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

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<sup>4</sup> Finding 3, Storm Water Permit.



**D. Santa Maria Landfill Site Description.**

The Santa Maria Landfill is a waste transfer station that accepts non-hazardous waste for storage, processing and disposal on-site, and hazardous waste for storage, transportation, and disposal off-site. Information available to Coastkeeper indicates that the Santa Maria Landfill has been in operation for approximately 50 years, and that the Facility is 269 acres in size. The Facility NOI states the Santa Maria Landfill Waste Discharge Identification ("WDID") number is "3 421005749" and the Standard Industrial Classification ("SIC") code of regulated activities is 4953: hazardous waste storage and/or disposal.

Information available to Coastkeeper indicates the Santa Maria Landfill receives municipal solid waste from commercial, industrial and residential sources and recovers recyclable material. Based on information available to Coastkeeper, the following industrial activities are conducted and co-located at the Santa Maria Landfill: receipt of mixed municipal waste from refuse collection trucks and construction and demolition waste materials; dumping and temporary storage of waste materials; processing of waste through manual and mechanical steps to remove recyclables; and truck and other vehicle maintenance and storage.

Information available to Coastkeeper indicates that waste materials collected at the Santa Maria Landfill are stored outdoors without adequate cover or containment. Industrial operations at the Santa Maria Landfill are also conducted outdoors without adequate cover to prevent storm water exposure to pollutant sources, and without secondary containment or other measures to prevent polluted storm water discharges from the Facility. Moreover, the City conducts vehicle and equipment maintenance and cleaning outdoors; fueling outdoors without cover or secondary containment; hazardous waste storage without secondary containment, rusted spare parts and components storage outdoors without cover or containment; waste storage and processing outdoors without cover or containment. Finally the City operates the Facility with inadequate sediment and tracking controls resulting in sediment being tracked and discharged off-site.

**E. Santa Maria Landfill Pollutants and Discharge Points at the Facility.**

In Annual Reports submitted to the Regional Board, the Santa Maria Landfill Owner and/or Operator identifies four (4) storm water discharge points at the Facility. According to a correspondence from the City to Regional Board staff the four (4) discharge points the City samples from are identified as SW 1, which is approximately 400 feet east of Suey Canyon Road (the old burn dump/landfill section, along the levee); SW 2, which is approximately about 6,000 feet east of Suey Canyon Road (at the levee, along the Old Scalehouse/active area); SW 3, which is approximately 6,030 feet east of Suey Canyon Road (along the levee, includes Closed Landfill); and SW 4 at the Household Hazardous Waste Collection Facility (HHWCF). *See also* Facility Site Map, attached hereto as Exhibit C. Information available to Coastkeeper indicates there is a discharge point at the Non Hazardous Impacted Soil (NHIS) area where ponded water discharges.

The pollutants associated with operations at the Santa Maria Landfill include, but are not limited to: Oil & Grease, pH-affecting substances, solvent, salts, bacteria, hydraulic fluid, anti-freeze, battery acid, cutting oils, lubricants, cleaning agents, phenols, herbicides and pesticides, plastic pellets, total suspended solids, iron, lead, aluminum, asbestos, copper, zinc, chemical oxygen demand, magnesium, ammonia, arsenic, cadmium, cyanide, mercury, selenium, silver, fuel and fuel additives, coolant, aromatic hydrocarbons, chlorinated hydrocarbons, inorganic nitrogen, and/or fugitive and other dust, dirt, and debris. Information available to Coastkeeper indicates that the City has failed and continues to fail to develop and/or implement best management practices (“BMPs”) at the Facility that achieve compliance with the Storm water Permit. The Santa Maria Landfill Owner’s and/or Operator’s failure to develop and/or implement the required BMPs at the Facility results in the exposure of pollutants associated with industrial activities to precipitation. The polluted storm water is then discharged from the Santa Maria Landfill into Receiving Waters in violation of the Storm Water Permit.

Polluted discharges from the Facility into area storm drains cause and/or contribute to the impairment of water quality in the Receiving Waters. The Central Coast Regional Water Quality Control Board’s (“Regional Board”) Water Quality Control Plan for the Central Coast Basin (“Basin Plan”) lists the Beneficial Uses for the Santa Maria River include: water contact recreation (REC 1), non-contact water recreation (REC 2), municipal and domestic supply (MUN), warm freshwater habitat (WARM), wildlife habitat (WILD), Agricultural Supply (AGR), Industrial Service Supply (IND), Ground Water Recharge (GWR), Cold Fresh Water Habitat (COLD), Migration of Aquatic Organisms (MIGR), Rare, Threatened or Endangered Species (RARE), Freshwater Replenishment (FRESH), and Commercial and Sport Fishing (COMM). *See* Basin Plan, Table 2-1. The Beneficial Uses for the Santa Maria River Estuary include: water contact recreation (REC 1), non-contact water recreation (REC 2), warm freshwater habitat (WARM), wildlife habitat (WILD), Ground Water Recharge (GWR), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development (SPWN), Preservation of Biological Habitats of Special Significance (BIOL), Estuarine Habitat (EST), Rare, Threatened or Endangered Species (RARE), Commercial and Sport Fishing (COMM), and Shellfish Harvesting (SHELL). *Id.*

The State of California has listed the Santa Maria River and the Estuary as impaired and unable to support beneficial uses pursuant to section 303(d) of the Clean Water Act.<sup>5</sup> Specifically, California has listed the Santa Maria River as impaired for the following pollutants: Chloride, Escherichia coli (E. coli), Fecal Coliform, Nitrate, Sediment Toxicity, Sodium, Turbidity, and Unknown Toxicity. The Santa Maria Estuary is listed as impaired for: Escherichia coli (E. coli), Fecal Coliform, and Total Coliform. Discharges from the Santa Maria Landfill contain bacteria, salts, suspended solids, nutrients, and toxics, and therefore contribute to the ongoing degradation of these already impaired surface waters and of the ecosystems that depend on them.

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<sup>5</sup> 2010 Integrated Report – All Assessed Waters, available at: [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml) (last accessed on April 8, 2014).

## II. Violations of the Clean Water Act and the Storm Water Permit

### A. Discharges of Polluted Storm Water from the Santa Maria Landfill in Violation of Effluent Limitation B(3) of the Storm Water Permit

As explained herein, the Santa Maria Landfill Owner and/or Operator has violated and continues to violate the Storm Water Permit's Effluent Limitation (B)(3); the identical requirement is set forth at Effluent Limitation III.A in the Reissued Permit. Effluent Limitation (B)(3) and III.A requires dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve best available technology economically achievable ("BAT") for toxic pollutants<sup>6</sup> and best conventional pollutant control technology ("BCT") for conventional pollutants.<sup>7</sup> Storm Water Permit, Effluent Limitation (B)(3); Reissued Permit, Effluent Limitation III.A. Information available to Coastkeeper demonstrates that the Santa Maria Landfill Owner and/or Operator has failed and continues to fail to develop and/or implement BMPs at the Facility that achieve compliance with the BAT/BCT standards.

Consistent with the Santa Maria Landfill's lack of BMPs, the analytical results of storm water sampling at the Facility demonstrate that the Santa Maria Landfill Owner and/or Operator has failed and continues to fail to implement BAT/BCT. Specifically, Facility discharges have been consistently exceeding the EPA Benchmarks<sup>8</sup> for numerous pollutants for over the past five (5) years. The table in Exhibit B sets forth the results of sampling at the Facility conducted by the Santa Maria Landfill Owner and/or Operator, results of which are compared to the EPA Benchmarks. The EPA Benchmarks are relevant and objective standards for evaluating whether a permittee's BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm Water Permit, and III.A of the Reissued Permit. The repeated and significant exceedances of EPA Benchmarks as set forth in Table B further demonstrates that the Santa Maria Landfill Owner and/or Operator has failed and continues to fail to develop and/or implement BMPs at the Facility as required to achieve compliance with the BAT/BCT standards.

As explained herein, Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that Effluent Limitation B(3) of the Storm Water Permit, III.A of the Reissued Permit, is violated every day the Facility discharges storm water without BMPs that achieve BAT/BCT. See Exhibit A (setting forth dates of significant rain events).<sup>9</sup> These discharge violations are ongoing and will continue every day the Santa Maria Landfill Owner and Operator discharges without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards. Storm Water Permit, Effluent Limitation (B)(3); Reissued Permit, Effluent Limitation III.A. Coastkeeper will include additional violations as information and data become available.

<sup>6</sup> Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

<sup>7</sup> Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, O&G, pH, and fecal coliform.

<sup>8</sup> See *United States Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP) Authorization to Discharge Under the National Pollutant Discharge Elimination System*, as modified effective February 26, 2009 ("Multi-Sector Permit"), Fact Sheet at 106; see also, 65 Federal Register 64839 (2000).

<sup>9</sup> A significant rain event is one that produces storm water runoff, which according to EPA occurs with 0.1 inches or more of precipitation. See EPA, NPDES Storm Water Sampling Guidance Document, July 1992.



Each day the Santa Maria Landfill Owner and/or Operator discharges in violation of Effluent Limitation B(3) of the Storm Water Permit, III.A of the Reissued Permit, is a separate and distinct violation of the Storm Water Permit and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Santa Maria Landfill Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since June 15, 2010.

**B. Discharges of Polluted Storm Water from the Santa Maria Landfill in Violation of Receiving Water Limitations C(1) and C(2) of the Storm Water Permit**

As explained herein, the Santa Maria Landfill Owner and/or Operator has violated and continues to violate Receiving Water Limitation C(1) of the Storm Water Permit; the identical requirement is set forth at VI.A of the Reissued Permit. Receiving Water Limitation C(1) and VI.A prohibit storm water discharges and authorized non-storm water discharges to surface water that adversely impact human health or the environment. Storm Water Permit, Receiving Water Limitation C(1); Reissued Permit, Receiving Water Limitation III.A. Discharges that contain pollutants in concentrations that exceed levels known to adversely impact human health or the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit, provision VI.A of the Reissued Permit, and the Clean Water Act.

As explained herein, the Santa Maria Landfill Owner and/or Operator has violated and continues to violate Receiving Water Limitation C(2) of the Storm Water Permit; the identical requirement is set forth at VI.B of the Reissued Permit. Receiving Water Limitation C(2) and VI.B prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").<sup>10</sup> Storm Water Permit, Receiving Water Limitation C(2); Reissued Permit, Receiving Water Limitation III.B. Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit, provision VI.B of the Reissued Permit, and the Clean Water Act.

As explained herein, the Receiving Waters are impaired, and thus unable to support designated beneficial uses, for the same pollutants that the City is discharging from the Santa Maria Landfill, including but not limited to turbidity, E. coli, Total Coliform, Fecal Coliform and Nitrates. *See* Exhibit B (table setting forth the results of sampling at the Facility conducted by the Santa Maria Landfill Owner and/or Operator). Coastkeeper puts the Santa Maria Landfill Owner and/or Operator on notice that Receiving Water Limitation C(1) and/or Receiving Water Limitation C(2) of the Storm Water Permit, provisions VI.A and B of the Reissued Permit, are violated each time polluted storm water discharges from the Facility. *See, e.g.,* Exhibit A (setting forth dates of significant rain events). Information available to Coastkeeper indicates that these violations are ongoing and occur every time the Santa Maria Landfill Owner and/or Operator

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<sup>10</sup> WQSs include pollutant concentration levels determined by the State Board and the EPA to be protective of the Beneficial Uses of the receiving waters. Discharges above WQSs contribute to the impairment of the receiving waters' Beneficial Uses. Applicable WQSs include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"). The Basin Plan also sets out additional applicable WQSs.

discharges storm water from the Facility. Coastkeeper will update the dates of violation when additional information and data becomes available.

Each time discharges of storm water from the Santa Maria Landfill adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit, provision VI.A of the Reissued Permit, and the Clean Water Act. Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit, provision VI.B of the Reissued Permit, and the Clean Water Act. The Santa Maria Landfill Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since June 15, 2010.

**C. Failure to Develop, Implement and/or Revise an Adequate Storm Water Pollution Prevention Plan**

Section A(1) and Provision E(2) of the Storm Water Permit requires dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the Santa Maria Landfill, and to implement site-specific BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges. Storm Water Permit, Section A(2). To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis pursuant to the requirements of Section A(9). The SWPPP must also be revised as necessary to ensure compliance with the Storm Water Permit. *Id.*, Sections A(9) and A(10).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other things, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system(s), structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities; a description of significant spills and leaks, a list of all non-storm water discharges and their sources; and a description of locations where soil erosion may occur (*see* Section A(6)). Sections A(7) and A(8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

Information available to Coastkeeper indicates that the Santa Maria Landfill Owner and/or Operator has been conducting and continue to conduct operations at the Facility with an inadequately developed, implemented, and/or revised SWPPP. For example, the Santa Maria Landfill Owner and/or Operator has failed and continues to fail to develop and/or implement a SWPPP that contains adequate BMPs to prevent the exposure of pollutant sources to storm water



and adequate BMPs to prevent the subsequent discharge of polluted storm water from the Facility. Further the Santa Maria Landfill Owner and/or Operator has failed and continues to fail to revise or evaluate the SWPPP as necessary to develop and implement adequate BMPs. For example, polluted storm water discharges evidence that the Santa Maria Landfill Owner and/or Operator has inadequately developed and/or implemented BMPs at the Facility. Visual observations of BMPs, and those conducted during rain events, also should have put the City on notice that existing BMPs established under the current SWPPP have failed to prevent storm water exposure to pollutants and subsequent polluted storm water discharges.

Coastkeeper puts the Santa Maria Landfill Owner and/or Operator on notice that it violates Provision E.2, Section A, and Sections C(9) and (10) of the Storm Water Permit every day it operates with an inadequately developed, implemented, and/or revised SWPPP. Every day the Santa Maria Landfill Owner and/or Operator operates the Facility with an inadequately developed, implemented, and/or revised SWPPP is a separate and distinct violation of the Storm Water Permit. The Santa Maria Landfill Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's SWPPP requirements since at least June 15, 2010. These violations are ongoing, and Coastkeeper will include additional violations when additional information and data become available. The Santa Maria Landfill Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since August 4, 2009.

**D. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program**

Section B(1) and Provision E(3) of the Storm Water Permit require facility operators to develop and implement an adequate Monitoring and Reporting Program ("M&RP") by October 1, 1992, or when industrial activities begin at a facility, that meets all of the requirements of the Storm Water Permit. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2). An adequate M&RP therefore ensures that BMPs are effectively reducing and/or eliminating pollutants at the facility, and is evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.*

Coastkeeper's observations of the conditions at the Santa Maria Landfill and review of the Annual Reports submitted by the Santa Maria Landfill Owner and/or Operator to the Regional Board demonstrate that the Santa Maria Landfill Owner and/or Operator has not developed, implemented and/or revised an M&RP that meets the requirements of the Storm Water Permit. Specific failures of the Santa Maria Landfill Owner's and/or Operator's M&RP are described below.

### **1. Failure to Analyze Storm Water Samples for All Pollutants Required by the Permit**

Section B(5)(c) of the Storm Water Permit requires all permittees to analyze their storm water samples for TSS; pH; specific conductance; and total organic carbon ("TOC") or Oil & Grease. The Storm Water Permit requires facilities conducting industrial activities associated with SIC code 4953 (Hazardous Waste Treatment, Storage or Disposal) to analyze storm water samples for iron, ammonia, magnesium, chemical oxygen demand, arsenic, cadmium, cyanide, lead, mercury, selenium, silver, and iron. *See id*; *see also* Storm Water Permit, Table D, Sectors K and L. In addition, all permittees must analyze samples for toxic chemicals and other pollutants that are likely to be in discharges in significant quantities, which for the Santa Maria Landfill includes pollutants such as aluminum, copper, and zinc. *See* Permit, Section B(5)(c)(ii).

The Santa Maria Owner and/or Operator did not analyze storm water samples for any of the Table D parameters other than iron, and failed to analyze for iron during the 2012-2013 Wet Season.<sup>11</sup> In addition, the Santa Maria Owner and/or Operator analyzed samples for Nitrate, a parameter likely to be found in its discharge, and the discharges contained elevated levels of this pollutant. However, the Santa Maria Owner and/or Operator has not analyzed samples for Nitrate since the 2011-2012 Wet Season, and has failed to analyze samples for other required parameters.

Coastkeeper puts the Santa Maria Owner and/or Operator on notice that it violates Section B(5) of the Storm Water Permit every day it operates without developing, implementing, and/or revising an M&RP that provides for sampling and analysis of all required analytical parameters. These violations are ongoing and will continue every day the Santa Maria Owner and/or Operator operates without developing, implementing, and/or revising an M&RP that provides for sampling and analysis in accordance with Section B(5). Coastkeeper will include additional violations as information and data become available.

### **2. Failure to Sample Storm Water Discharges As Required by the Permit**

The Storm Water Permit requires permittees to collect storm water discharge samples from: 1) all discharge locations, 2) during the first hour of discharge, 3) from the first storm event of the Wet Season and 4) from at least one other storm event in the Wet Season. Section B(5)(a). The two samples are required so long as the discharges occur during scheduled facility operating hours and are preceded by at least three working days without storm water discharges. Storm Water Permit, Section B(5)(b). Sampling of stored or contained storm water is required when the storm water is released or discharged. Section B(5)(a). The Santa Maria Owner and/or Operator has consistently failed to collect the required storm water samples in violation of the Storm Water Permit's M&RP requirements. For example, the Santa Maria Owner and/or Operator does not consistently collect storm water samples from each discharge location, from the first rain event of the season, and/or from two storm events each Wet Season. Therefore, the Santa Maria Landfill Owner and/or Operator has been in continuous violation of

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<sup>11</sup> The Storm Water Permit defines the Wet Season from October 1-May 31.

the Storm Water Permit's M&RP requirements for failing to sample as required by the Storm Water Permit.

Coastkeeper puts the Santa Maria Owner and/or Operator on notice that it violates Section B(5) of the Storm Water Permit every day it operates without developing, implementing, and/or revising an M&RP that ensures the collection of storm water discharge samples as required by the Storm Water Permit. These violations are ongoing and will continue every day the Santa Maria Owner and/or Operator operates without developing, implementing, and/or revising an M&RP that provides for sampling and analysis in accordance with Section B(5). Coastkeeper will include additional violations as information and data become available.

### **3. Failure to Conduct Visual Observations As Required by the Permit**

Section B(4) of the Storm Water Permit requires dischargers to conduct visual observations of storm water discharges at all discharge locations within the first hour of discharge from one storm event per month during the Wet Season. The Permit further requires dischargers to document the presence of any floating and suspended material, O&G, discolorations, turbidity, odor and the source of any pollutants. Section B(4)(c). Dischargers must document and maintain records of observations, observation dates, locations observed, and responses taken to reduce or prevent pollutants in storm water discharges. Storm Water Permit, Section B(4)(c).

Based on information available to Coastkeeper, the Santa Maria Owner and/or Operator consistently fails to properly conduct and/or document the required visual observations of storm water discharges within the first hour of discharge, from all discharge locations, and/or from one qualifying storm event per month. The Santa Maria Landfill Owner and/or Operator also failed to properly document and maintain records of observations and/or responses taken to reduce or prevent pollutants in storm water discharges.

Coastkeeper puts the Santa Maria Landfill Owner and/or Operator on notice that it violates Section B(4) of the Storm Water Permit every day it operates the Facility without developing, implementing, and/or revising an M&RP that provides for visual observations of storm water discharges as required by the Storm Water Permit. Sections B(4)(a). These violations are ongoing and will continue every day the Santa Maria Landfill Owner and/or Operator operates without developing, implementing, and/or revising an M&RP that ensures visual observations are conducted in accordance with Section B(4). Coastkeeper will include additional violations as information and data become available.

As set forth above, the Santa Maria Landfill Owner and/or Operator violates Section B of the Storm Water Permit every day the Santa Maria Landfill Owner and/or Operator operates with an inadequately developed, implemented, and/or revised M&RP. The Santa Maria Landfill Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least June 15, 2010. These violations are ongoing and will continue every day the Santa Maria Landfill Owner and/or Operator operates without



reporting in accordance with Section B. The Santa Maria Landfill Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since June 15, 2010.

**E. Failure to Comply with the Storm Water Permit's Reporting Requirements**

Section B(14) of the Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The Storm Water Permit, in relevant part, requires that the Annual Report include the following: 1) a summary of visual observations and sampling results; 2) an evaluation of the visual observation and sampling and analysis results and the laboratory reports; 3) the Annual Comprehensive Site Compliance Evaluation Report; and 4) an explanation of why the facility did not implement any activities required by the Permit. Section B(14). As part of the Annual Comprehensive Site Compliance Evaluation, which must be included in the Annual Report, the facility operator shall review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. *See* Storm Water Permit Section A(9). The Annual Report shall be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and complete to the best of their knowledge. *See* Storm Water Permit, Sections B(14), C(9), and C(10).

Since at least the 2009/2010 Wet Season the Santa Maria Landfill Owner and/or Operator has failed to submit Annual Reports that comply with the Storm Water Permit reporting requirements. For example, the Santa Maria Landfill Owner and/or Operator certifies in the Annual Reports that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to Coastkeeper, including a review of the Regional Board's files and the Facility storm water sampling data, indicates that the Santa Maria Landfill Owner and/or Operator certifications are erroneous. The Santa Maria Landfill Owner and/or Operator has not developed and/or implemented required BMPs at the Facility, or made any revisions to the Facility SWPPP or M&RP. These failures result in the ongoing discharge of storm water containing pollutant levels in violation of the Storm Water Permit limitations.

The Santa Maria Landfill Owner and/or Operator also failed and continues to fail to provide the explanations in the Annual Reports for non-compliance with the Storm Water Permit's terms. For instance, the Santa Maria Landfill Owner and/or Operator fails to explain why it did not conduct sampling and visual observations as required by the Permit.

Coastkeeper puts the Santa Maria Landfill Owner and/or Operator on notice that it violates Section B(14) of the Storm Water Permit every day it fails to comply with the Storm Water Permit reporting requirements. These violations are ongoing and will continue every day the Santa Maria Landfill Owner and/or Operator operates without reporting in accordance with Section B(14). The Santa Maria Landfill Owner and/or Operator has been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least

June 15, 2010. These violations are ongoing. The Santa Maria Landfill Owner and/or Operator is subject to civil penalties for all violations of the Clean Water Act occurring since June 15, 2010.

**F. Relief and Penalties Sought for Violations of the Clean Water Act**

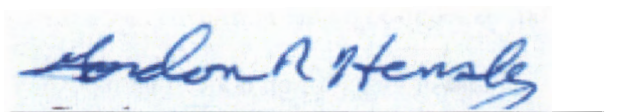
Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to \$37,500 per day per violation for all Clean Water Act violations. In addition to civil penalties, Coastkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law. Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Coastkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

**III. Conclusion**

Upon expiration of the 60-day notice period, Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the Santa Maria Landfill Owner's and/or Operator's violations of the Storm Water Permit. During the 60-day notice period, however, Coastkeeper is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions please contact Coastkeeper. Please direct all communications to Coastkeeper's legal counsel:

Daniel Cooper  
Daniel@Lawyersforcleanwater.com  
Lawyers for Clean Water, Inc.  
1004 O'Reilly Avenue, Suite A  
San Francisco, CA 94129  
415-440-6520

Sincerely yours,



Gordon Hensley  
Executive Director  
Environment in the Public Interest and  
San Luis Obispo Coastkeeper



**SERVICE LIST**

Gina McCarthy , Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Jared Blumenfeld, Regional Administrator  
U.S. Environmental Protection Agency, Region IX  
75 Hawthorne Street  
San Francisco, California 94105

Thomas Howard, Executive Director  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, California 95812

Dr. Jean-Pierre Wolf, Chair  
Central Coast Regional Water Quality Control Board  
895 Aerovista Place, Suite 101  
San Luis Obispo, California 93401-7906



# Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101  
805.568.3440 - www.countyofsb.org/pwd

## Official Daily Rainfall Record

Station Number: 380 Report Produced: 5/15/2015  
Station Name: Santa Maria City Record Checked Through: 8/29/2014  
Nearest Landmark: City Public Works Building  
Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203  
Current Observer: SBCFCD Gauge Type: Alert, Data Logger w/TB

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

### Water Year: 2014-15

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1		0.01 <sup>PR</sup>	1.35 <sup>PR</sup>				0.05 <sup>PR</sup>					
2			0.08 <sup>PR</sup>	0.38 <sup>PR</sup>			0.08 <sup>PR</sup>					
3				0.36 <sup>PR</sup>			0.07 <sup>PR</sup>					
4												
5				0.01 <sup>PR</sup>								
6				0.01 <sup>PR</sup>								
7						0.14 <sup>PR</sup>						
8						0.28 <sup>PR</sup>		0.43 <sup>PR</sup>	0.04 <sup>PR</sup>			
9						0.14 <sup>PR</sup>		0.01 <sup>PR</sup>				
10			0.01 <sup>PR</sup>									
11	0.01				0.15 <sup>PR</sup>							
12		0.01 <sup>PR</sup>		3.16 <sup>PR</sup>								
13				0.01 <sup>PR</sup>	0.01 <sup>PR</sup>							
14			0.01 <sup>PR</sup>									
15									0.28 <sup>PR</sup>			
16				0.06 <sup>PR</sup>								
17				0.28 <sup>PR</sup>								
18				0.01 <sup>PR</sup>								
19												
21			0.03 <sup>PR</sup>									
23						0.11 <sup>PR</sup>						
24												
26								0.21 <sup>PR</sup>				
27					0.03 <sup>PR</sup>							
28						0.01 <sup>PR</sup>						
29					0.01 <sup>PR</sup>							
	0.01	0.02	1.48	4.28	0.20	0.68	0.20	0.65	0.32	0.00	0.00	0.00

WY Total 7.84



# Santa Barbara County - Flood Control District

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## Official Daily Rainfall Record

Station Number: 380

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Record Checked Through: 8/29/2014

Nearest Landmark: City Public Works Building

Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203

Current Observer: SBCFCD

Gauge Type: Alert, Data Logger w/TB

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### Water Year: 2013-14

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1							0.62	0.32				
2							0.31	0.40				
3						0.20	0.08					
5							0.01					
7				0.15		0.58						
9						0.11						
10		0.08				0.04						
14						0.02						
15			0.01									
16	0.01											
19				0.02								
20			0.02	0.01								
21			0.15						0.01			
22	0.01											
23			0.01									
26							0.17	0.20				
27						0.21	0.12					
28		0.09				0.70	0.01					
29		0.13										
30			0.04		0.02		0.10					
31							0.01					
	0.02	0.30	0.23	0.18	0.02	1.86	1.43	0.92	0.01	0.00	0.00	0.00

WY Total 4.97

**Santa Barbara County - Flood Control District**130 East Victoria Street, Santa Barbara, CA 93101  
805.568.3440 - www.countyofsb.org/pwd**Official Daily Rainfall Record**

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Nearest Landmark: City Public Works Building

Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203

Current Observer: SBCFCD

Gauge Type: Alert, Data Logger w/TB

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**Water Year: 2012-13**

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1				0.32				0.02				
2				0.12				0.07				
3				0.50						0.01		
4			0.01					0.02				
5						0.01						
6		0.01			0.26		0.03		0.03			
7				0.01	0.26		0.15		0.01			
8						0.24	0.58	0.04				
9						0.16						
10		0.01	0.14		0.01							
11		0.01										
12							0.01				0.01	
13				0.19			0.01					
14									0.01			
16				0.08			0.01					
17	0.01		0.13	0.01								
18			0.21	0.20								
19			0.02	0.01			0.01					
20						0.24				0.01		
21		0.01										
22				0.13								
23		0.12	0.01	0.50								
24				0.35	0.24							
25					0.08							
26				0.34	0.01							
27				0.02								
29			0.03	0.40								
30			0.04									
31							0.04					
	0.01	0.16	0.59	3.18	0.86	0.65	0.84	0.15	0.05	0.02	0.01	0.00

**WY Total 6.52**



# Santa Barbara County - Flood Control District

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### Water Year: 2011-12

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1							0.03	0.39				
2											0.01	
4		0.09	0.03		0.01							
5		0.59	0.13									
6		0.04	0.12									
8					0.01							
10	0.04											
11	0.03					0.03	0.02	0.89				
12			0.51	0.06				0.01				
13			0.01	0.07		0.06		0.86				
14						0.14		0.24				
15			0.01			0.07						
16				0.02		0.01						
17							0.96					
18							0.71					
19		0.03	0.01				0.04					
20			0.50			0.01						
21	0.01		0.08		0.77							
23					0.59			0.04				
24	0.01				0.28							
25							0.38	0.04				
26							0.21	0.23				
27								0.01				
28							0.05					
29							0.01					
31		0.01										
	0.09	0.74	1.40	0.15	1.66	0.32	2.41	2.71	0.00	0.00	0.01	0.00

**WY Total 9.49**





# Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101  
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## Official Daily Rainfall Record

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Station Name: Santa Maria City  
Nearest Landmark: City Public Works Building  
Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203  
Current Observer: SBCFCD

Report Produced: 5/15/2015  
Record Checked Through: 8/29/2014

Gauge Type: Alert, Data Logger w/TB

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### Water Year: 2010-11

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
2		0.01			0.41		0.04					
3		0.08			0.24		0.05					
4				0.03	0.01							
5	0.01			0.01						0.09		
6		0.67		0.40						0.58		
7		0.15	0.06	0.01			0.13					
8			0.42	0.01				0.04				
9									0.01			
10		0.01		0.01								
12				0.01								
14		0.01					0.01					
15	0.01			0.06		0.01			0.02			
16						0.24	0.02					
17		0.01		0.17		0.04			0.09			0.01
18		0.05	0.01	0.58					0.14			
19		0.22		3.67		1.43	0.17					
20		0.07	0.25	2.02		0.60	3.25				0.01	
21	0.01	0.01	0.42	0.72			0.36	0.13				
22	0.01		0.17	0.75			0.01					
23		0.13		0.01			0.03					
24			0.12				0.49	0.02				
25		0.50				0.05	0.36					
26		0.01		0.67		0.50	0.01					
27						0.07	0.46					
28			0.03									
29				0.98					0.04			
30		0.64		0.01	0.08					0.01		
31		0.01			0.06							
	0.04	2.58	1.48	10.12	0.80	2.94	5.33	0.19	0.30	0.68	0.01	0.01

WY Total 24.48

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/16/11 8:07	Total Suspended Solids (TSS)	SW Discharge Point #1	200	mg/L	100	2	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	100	umhos/cm	200	0	see Basin Plan, §II.A.2.a	
2/16/11 8:07	pH	SW Discharge Point #1	7.3	SU	6.0-9.0	0	7.0-8.5	
2/16/11 8:07	Iron	SW Discharge Point #1	1.3	mg/L	1	1.3	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Turbidity	SW Discharge Point #1	230	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Nitrate as N	SW Discharge Point #1	1	mg/L	0.68	1.47	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Total Organic Carbon (TOC)	SW Discharge Point #1	8.7	mg/L	100	0	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Total Suspended Solids (TSS)	SW Discharge Point #2	71	mg/L	100	0	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	350	umhos/cm	200	1.75	see Basin Plan, §II.A.2.a	
2/16/11 7:58	pH	SW Discharge Point #2	7.5	SU	6.0-9.0	0	7.0-8.5	
2/16/11 7:58	Iron	SW Discharge Point #2	1.1	mg/L	1	1.1	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Turbidity	SW Discharge Point #2	94	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Nitrate as N	SW Discharge Point #2	ND	mg/L	0.68	0	none	
2/16/11 7:58	Total Organic Carbon (TOC)	SW Discharge Point #2	8.6	mg/L	100	0	none	
2/16/11 7:50	Total Suspended Solids (TSS)	SW Discharge Point #3	75	mg/L	100	0	none	
2/16/11 7:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	220	umhos/cm	200	1.1	none	
2/16/11 7:50	pH	SW Discharge Point #3	7.6	SU	6.0-9.0	0	7.0-8.5	
2/16/11 7:50	Iron	SW Discharge Point #3	1.6	mg/L	1	1.6	none	
2/16/11 7:50	Turbidity	SW Discharge Point #3	140	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 7:50	Nitrate as N	SW Discharge Point #3	1.5	mg/L	0.68	2.21	none	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/16/11 7:50	Total Organic Carbon (TOC)	SW Discharge Point #3	15	mg/L	100	0	none	
2/16/11 7:15	Total Suspended Solids (TSS)	SW Discharge Point #4	5900	mg/L	100	59	none	
2/16/11 7:15	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #4	870	umhos/cm	200	4.35	none	
2/16/11 7:15	pH	SW Discharge Point #4	7.9	SU	6.0-9.0	0	7.0-8.5	
2/16/11 7:15	Iron	SW Discharge Point #4	0.024	mg/L	1	0	none	
2/16/11 7:15	Turbidity	SW Discharge Point #4	5600	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 7:15	Nitrate as N	SW Discharge Point #4	0.83	mg/L	0.68	1.22	none	
2/16/11 7:15	Total Organic Carbon (TOC)	SW Discharge Point #4	170	mg/L	100	1.7	none	
2/25/11 15:00	Total Suspended Solids (TSS)	SW Discharge Point #1	25	mg/L	100	0	none	
2/25/11 15:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	320	umhos/cm	200	1.6	none	
2/25/11 15:00	pH	SW Discharge Point #1	7.2	SU	6.0-9.0	0	7.0-8.5	
2/25/11 15:00	Iron	SW Discharge Point #1	0.63	mg/L	1	0	none	
2/25/11 15:00	Turbidity	SW Discharge Point #1	17	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 15:00	Nitrate as N	SW Discharge Point #1	0.9	mg/L	0.68	1.32	none	
2/25/11 15:00	Total Organic Carbon (TOC)	SW Discharge Point #1	26	mg/L	100	0	none	
2/25/11 14:30	Total Suspended Solids (TSS)	SW Discharge Point #2	29	mg/L	100	0	none	
2/25/11 14:30	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	1500	umhos/cm	200	7.5	none	
2/25/11 14:30	pH	SW Discharge Point #2	8.6	SU	6.0-9.0	0	7.0-8.5	0.1
2/25/11 14:30	Iron	SW Discharge Point #2	0.52	mg/L	1	0	none	
2/25/11 14:30	Turbidity	SW Discharge Point #2	3.5	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 14:30	Nitrate as N	SW Discharge Point #2	ND	mg/L	0.68	0	none	
2/25/11 14:30	Total Organic Carbon (TOC)	SW Discharge Point #2	17	mg/L	100	0	none	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/25/11 15:00	Total Suspended Solids (TSS)	SW Discharge Point #3	120	mg/L	100	1.2	none	
2/25/11 15:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	230	umhos/cm	200	1.15	none	
2/25/11 15:00	pH	SW Discharge Point #3	8	SU	6.0-9.0	0	7.0-8.5	
2/25/11 15:00	Iron	SW Discharge Point #3	7.2	mg/L	1	7.2	none	
2/25/11 15:00	Turbidity	SW Discharge Point #3	53	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 15:00	Nitrate as N	SW Discharge Point #3	1.7	mg/L	0.68	2.5	none	
2/25/11 15:00	Total Organic Carbon (TOC)	SW Discharge Point #3	9.6	mg/L	100	0	none	
2/25/11 14:10	Total Suspended Solids (TSS)	SW Discharge Point #4	30	mg/L	100	0	none	
2/25/11 14:10	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #4	1400	umhos/cm	200	7	none	
2/25/11 14:10	pH	SW Discharge Point #4	8	SU	6.0-9.0	0	7.0-8.5	
2/25/11 14:10	Iron	SW Discharge Point #4	0.51	mg/L	1	0	none	
2/25/11 14:10	Turbidity	SW Discharge Point #4	8.4	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 14:10	Nitrate as N	SW Discharge Point #4	14	mg/L	0.68	20.59	none	
2/25/11 14:10	Total Organic Carbon (TOC)	SW Discharge Point #4	54	mg/L	100	0	none	
2/15/12 8:30	Total Suspended Solids (TSS)	SW Discharge Point #1	ND	mg/L	100	0	none	
2/15/12 8:30	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	140	umhos/cm	200	0	none	
2/15/12 8:30	pH	SW Discharge Point #1	7.6	SU	6.0-9.0	0	7.0-8.5	
2/15/12 8:30	Iron	SW Discharge Point #1	2.3	mg/L	1	2.3	none	
2/15/12 8:30	Turbidity	SW Discharge Point #1	62	NTU	none	0	see Basin Plan, §II.A.2.a	
2/15/12 8:30	Nitrate as N	SW Discharge Point #1	0.91	mg/L	0.68	1.34	none	
2/15/12 8:30	Total Organic Carbon (TOC)	SW Discharge Point #1	17	mg/L	100	0	none	

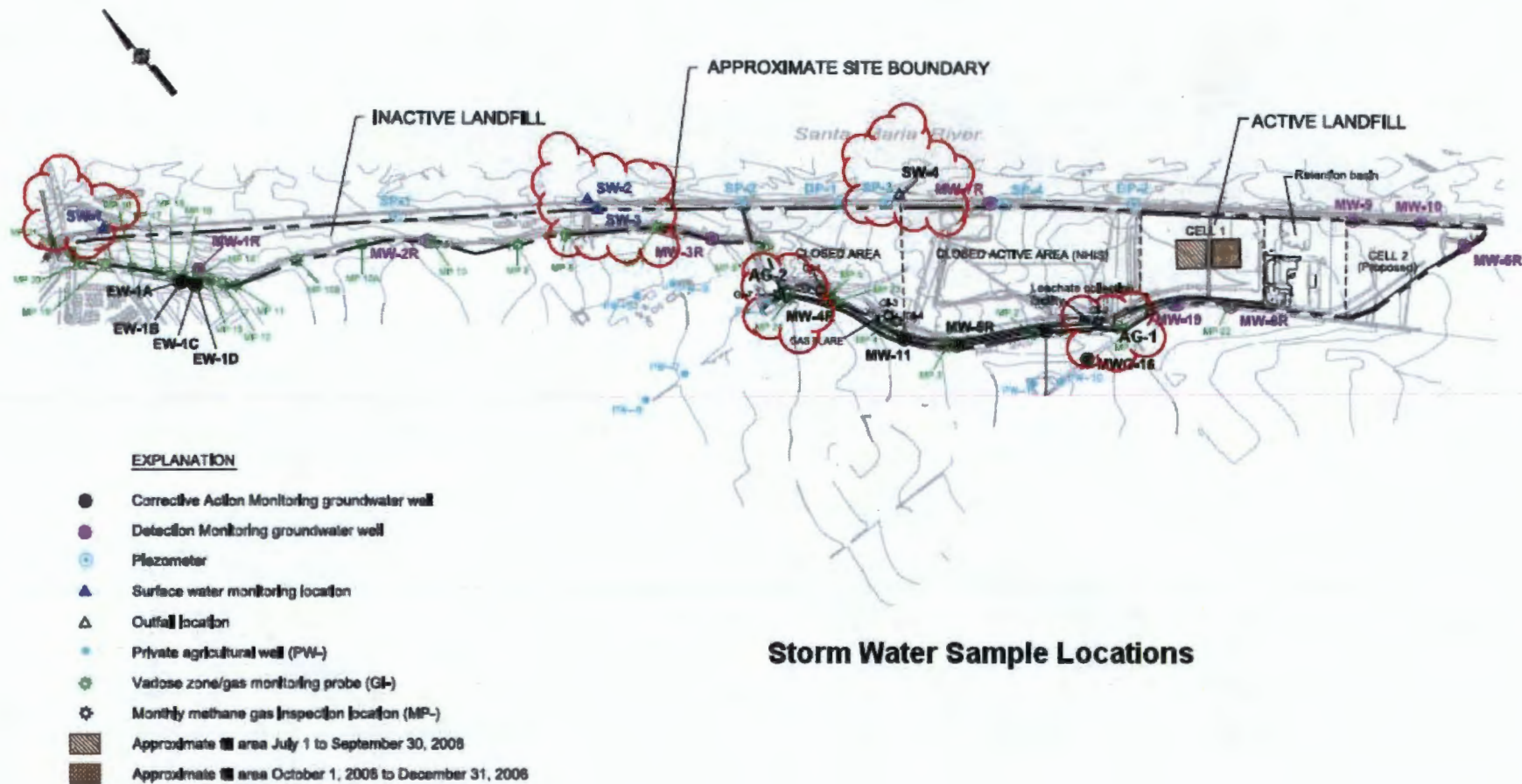
Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
4/11/12 8:40	Total Suspended Solids (TSS)	SW Discharge Point #1	ND	mg/L	100	0	none	
4/11/12 8:40	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	140	umhos/cm	200	0	none	
4/11/12 8:40	pH	SW Discharge Point #1	7.6	SU	6.0-9.0	0	7.0-8.5	
4/11/12 8:40	Iron	SW Discharge Point #1	0.31	mg/L	1	0	none	
4/11/12 8:40	Turbidity	SW Discharge Point #1	DNS	NTU			none	
4/11/12 8:40	Nitrate as N	SW Discharge Point #1	DNS	mg/L	0.68		none	
4/11/12 8:40	Total Organic Carbon (TOC)	SW Discharge Point #1	6.5	mg/L	100	0	none	
4/11/12 8:50	Total Suspended Solids (TSS)	SW Discharge Point #2	26	mg/L	100	0	none	
4/11/12 8:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	410	umhos/cm	200	2.05	none	
4/11/12 8:50	pH	SW Discharge Point #2	7.7	SU	6.0-9.0	0	7.0-8.5	
4/11/12 8:50	Iron	SW Discharge Point #2	0.77	mg/L	1	0	none	
4/11/12 8:50	Turbidity	SW Discharge Point #2	DNS	NTU			none	
4/11/12 8:50	Nitrate as N	SW Discharge Point #2	DNS	mg/L	0.68		none	
4/11/12 8:50	Total Organic Carbon (TOC)	SW Discharge Point #2	19	mg/L	100	0	none	
4/11/12 8:50	Total Suspended Solids (TSS)	SW Discharge Point #3	23	mg/L	100	0	none	
4/11/12 8:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	180	umhos/cm	200	0	none	
4/11/12 8:50	pH	SW Discharge Point #3	8.1	SU	6.0-9.0	0	7.0-8.5	
4/11/12 8:50	Iron	SW Discharge Point #3	1.6	mg/L	1	1.6	none	
4/11/12 8:50	Turbidity	SW Discharge Point #3	DNS	NTU			none	
4/11/12 8:50	Nitrate as N	SW Discharge Point #3	DNS	mg/L	0.68		none	
4/11/12 8:50	Total Organic Carbon (TOC)	SW Discharge Point #3	8.5	mg/L	100	0	none	



Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/8/13 11:10	Total Suspended Solids (TSS)	SW Discharge Point #1	ND	mg/L	100		none	
2/8/13 11:10	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	320	umhos/cm	200	1.6	none	
2/8/13 11:10	pH	SW Discharge Point #1	8	SU	6.0-9.0	0	7.0-8.5	
2/8/13 11:10	Iron	SW Discharge Point #1	DNS	mg/L	1		none	
2/8/13 11:10	Turbidity	SW Discharge Point #1	28	NTU	none	0	see Basin Plan, §II.A.2.a	
2/8/13 11:10	Nitrate as N	SW Discharge Point #1	DNS	mg/L	0.68		none	
2/8/13 11:10	Total Organic Carbon (TOC)	SW Discharge Point #1	6.3	mg/L	100	0	none	
2/8/13 11:24	Total Suspended Solids (TSS)	SW Discharge Point #2	16	mg/L	100	0	none	
2/8/13 11:24	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	580	umhos/cm	200	2.9	none	
2/8/13 11:24	pH	SW Discharge Point #2	8.4	SU	6.0-9.0	0	7.0-8.5	
2/8/13 11:24	Iron	SW Discharge Point #2	DNS	mg/L	1		none	
2/8/13 11:24	Turbidity	SW Discharge Point #2	5.8	NTU	none	0	see Basin Plan, §II.A.2.a	
2/8/13 11:24	Nitrate as N	SW Discharge Point #2	DNS	mg/L	0.68		none	
2/8/13 11:24	Total Organic Carbon (TOC)	SW Discharge Point #2	4.5	mg/L	100	0	none	
2/6/14 2:30	Total Suspended Solids (TSS)	SW Discharge Point #1	110	mg/L	100	1.1	none	
2/6/14 2:30	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	68	umhos/cm	200	0	none	
2/6/14 2:30	pH	SW Discharge Point #1	7.9	SU	6.0-9.0	0	7.0-8.5	
2/6/14 2:30	Iron	SW Discharge Point #1	5.4	mg/L	1	5.4	none	
2/6/14 2:30	Turbidity	SW Discharge Point #1	DNS	NTU			none	
2/6/14 2:30	Nitrate as N	SW Discharge Point #1	DNS	mg/L	0.68		none	
2/6/14 2:30	Total Organic Carbon (TOC)	SW Discharge Point #1	5.1	mg/L	100	0	none	
2/6/14 2:00	Total Suspended Solids (TSS)	SW Discharge Point #2	78	mg/L	100	0	none	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/6/14 2:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	210	umhos/cm	200	1.05	none	
2/6/14 2:00	pH	SW Discharge Point #2	9.4	SU	6.0-9.0	0.4	7.0-8.5	0.9
2/6/14 2:00	Iron	SW Discharge Point #2	10	mg/L	1	10	none	
2/6/14 2:00	Turbidity	SW Discharge Point #2	DNS	NTU			none	
2/6/14 2:00	Nitrate as N	SW Discharge Point #2	DNS	mg/L	0.68		none	
2/6/14 2:00	Total Organic Carbon (TOC)	SW Discharge Point #2	8.5	mg/L	100	0	none	
2/6/14 2:00	Total Suspended Solids (TSS)	SW Discharge Point #3	46	mg/L	100	0	none	
2/6/14 2:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	77	umhos/cm	200	0	none	
2/6/14 2:00	pH	SW Discharge Point #3	8	SU	6.0-9.0	0	7.0-8.5	
2/6/14 2:00	Iron	SW Discharge Point #3	2.7	mg/L	1	2.7	none	
2/6/14 2:00	Turbidity	SW Discharge Point #3	DNS	NTU			none	
2/6/14 2:00	Nitrate as N	SW Discharge Point #3	DNS	mg/L	0.68		none	
2/6/14 2:00	Total Organic Carbon (TOC)	SW Discharge Point #3	7.5	mg/L	100	0	none	
2/6/14 1:50	Total Suspended Solids (TSS)	SW Discharge Point #4	200	mg/L	100	2	none	
2/6/14 1:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #4	430	umhos/cm	200	2.15	none	
2/6/14 1:50	pH	SW Discharge Point #4	8.5	SU	6.0-9.0	0	7.0-8.5	
2/6/14 1:50	Iron	SW Discharge Point #4	16	mg/L	1	16	none	
2/6/14 1:50	Turbidity	SW Discharge Point #4	DNS	NTU	none		see Basin Plan, §II.A.2.a	
2/6/14 1:50	Nitrate as N	SW Discharge Point #4	DNS	mg/L	0.68		none	
2/6/14 1:50	Total Organic Carbon (TOC)	SW Discharge Point #4	22	mg/L	100	0	none	
4/7/15 1:55	Total Suspended Solids (TSS)	SLOC Sample	676	mg/L	100	6.76	none	
4/7/15 1:55	Escherichia coli (E. coli)	SLOC Sample	5000	MPN/100 ml	none	0	576	8.68
4/7/15 1:55	Fecal Coliform	SLOC Sample	240	MPN/100 ml	none	0	400	0.6

ND= Not Present above Detection Level Used      DNS=Did Not Analyse Sample for Pollutant





**Exhibit B**





**San Luis Obispo COASTKEEPER®**

EPI-Center, 1013 Monterey Street, Suite 202 San Luis Obispo, CA 93401 Phone and Fax: 805-781-9932

August 31, 2015

**VIA CERTIFIED MAIL**

Rick Haydon, City Manager  
City of Santa Maria  
110 E. Cook Street  
Santa Maria, California 93454

Shad S. Springer, Director, Utilities Department  
City of Santa Maria  
2065 E. Main Street  
Santa Maria, California 93454

**Re: Supplemental Notice of Violation and Intent to File Suit Under the Clean Water Act**

To Whom It May Concern:

I am writing on behalf of San Luis Obispo Coastkeeper, a program of Environment in the Public Interest (collectively "Coastkeeper") in regard to violations of the Federal Water Pollution Control Act ("Clean Water Act" or "CWA")<sup>1</sup> and California's Storm Water Permit and Reissued Storm Water Permit<sup>2</sup> occurring at the Santa Maria Sanitary Regional Landfill facility, located at 2065 E. Main Street in Santa Maria, California (hereinafter "Santa Maria Landfill" or "Facility"). As you know, on June 15, 2015, Coastkeeper sent the City of Santa Maria a notice letter issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the Clean Water Act, setting out violations of the CWA, the Storm Water Permit, and the Reissued Storm Water Permit. The purpose of this supplemental notice letter ("Supplemental Notice Letter"), also issued pursuant to 33 U.S.C. §§ 1365(a) and (b) of the CWA, is to put the City of Santa Maria (referred to hereinafter as "Santa Maria Landfill Owner and Operator" or "City") on notice of additional violations of the Reissued Storm Water Permit occurring at the Santa Maria Landfill, including,

<sup>1</sup> Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 *et seq.*

<sup>2</sup> National Pollution Discharge Elimination System ("NPDES") General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ. The Storm Water Permit was reissued by Order 2014-0057-DWQ on April 1, 2014, and will take effect on July 1, 2015 (hereinafter referred to as "Reissued Storm Water Permit"). The terms of the Reissued Storm Water Permit are as or more stringent than the 1997 Storm Water Permit.



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but not limited to, violations caused by discharges of landfill wastewater from the Facility into the Santa Maria River, the Santa Maria Estuary, and the Pacific Ocean (hereinafter "Receiving Waters"). Violations of the Storm Water Permit and the Reissued Storm Water Permit are violations of the Clean Water Act. As explained below, the Santa Maria Landfill Owner and Operator is liable for violations of the Storm Water Permit, the Reissued Storm Water Permit and the Clean Water Act.

Section 505(b) of the Clean Water Act, 33 U.S.C. § 1365(b), requires that sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Clean Water Act, 33 U.S.C. § 1365(a), a citizen must give notice of his/her intention to file suit. If the alleged violator is a state or local agency, notice must be given to the head of the entity responsible for the violations, the Administrator of the United States Environmental Protection Agency ("EPA"), the Regional Administrator of the EPA, the chief administrative officer of the water pollution control agency in the State in which the violations occur, and, if the alleged violator is a corporation, the registered agent of the corporation.<sup>3</sup> This Supplemental Notice Letter is being sent to you as the responsible owner and operator of the Facility. By this Supplemental Notice Letter, Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that, after the expiration of sixty (60) days from the date of this Supplemental Notice Letter, Coastkeeper intends to amend its complaint to include additional facts and violations of the Storm Water Permit, the Reissued Storm Water Permit, and the Clean Water Act.

## **I. BACKGROUND**

### **A. San Luis Obispo Coastkeeper.**

Environment in the Public Interest ("EPI") is a 501(c)(3) non-profit public benefit conservation and research organization providing educational, scientific and technical support services with a primary mission to advocate the public interest in preserving habitat and biodiversity. EPI does business in the San Luis Obispo area as San Luis Obispo Coastkeeper. Coastkeeper is a non-profit 501(c)(3) public benefit corporation organized under the laws of California with its main office at 1013 Monterey Street, Suite 202 in San Luis Obispo, California. Coastkeeper's members live and/or recreate in and around the waters in San Luis Obispo and Northern Santa Barbara County, including the Receiving Waters. Coastkeeper is the only environmental watchdog dedicated solely to enforcement of water quality, watershed protection, and coastal planning regulations in San Luis Obispo, and northern Santa Barbara counties. To further its mission, Coastkeeper actively seeks federal and state implementation of environmental laws.

As explained herein, the Santa Maria Landfill Owner and Operator has continuously discharged pollutants into the Receiving Waters in violation of the Clean Water Act, the Storm Water Permit, and the Reissued Storm Water Permit. Coastkeeper members use the water to fish, kayak, boat, wade and swim in as well as hike and bike along the water's banks. Additionally, Coastkeeper members use the water to view wildlife, and engage in scientific study through

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<sup>3</sup> 40 C.F.R. § 135.2(a)(1).

pollution and habitat monitoring and restoration activities. Thus, the interests of Coastkeeper's members have been, are being, and will continue to be adversely affected by the Santa Maria Landfill Owner's and Operator's failure to comply with the Clean Water Act, the Storm Water Permit, and the Reissued Storm Water Permit.

**B. The Owner and Operator of the Landfill.**

The City is a municipality incorporated under the laws of the State of California. Information available to Coastkeeper indicates that the City is the owner and operator of the Santa Maria Landfill. The Department of Utilities is a department of the City, and is responsible for storm water management within the City. A discharger of industrial storm water such as the City is required to apply for coverage under the Storm Water Permit by submitting a Notice of Intent ("NOI") to obtain Storm Water Permit coverage to the State Water Resources Control Board ("State Board").<sup>4</sup> The Facility NOI identifies the Santa Maria Landfill Waste Discharge Identification ("WDID") number as "3 421005749" and the Standard Industrial Classification ("SIC") code of regulated activities as 4953: hazardous waste storage and/or disposal. Information available to Coastkeeper indicates that the City has been covered under the Storm Water Permit since at least 2006. The City filed a revised NOI, as well as a revised Storm Water Pollution Prevention Plan ("SWPPP") to address some of the new requirements in the Reissued Storm Water Permit on or before August 14, 2015. Coastkeeper obtained the new SWPPP (hereinafter referred to as the "2015 SWPPP"). Coastkeeper also obtained the City's SWPPP prior to the 2015 SWPPP revisions, dated January 2014 (hereinafter referred to as the "2014 SWPPP")

As explained herein, the City is liable for violations of the Storm Water Permit, the Reissued Storm Water Permit, and the Clean Water Act occurring at the Santa Maria Landfill.

**C. Storm Water Pollution.**

With every significant rainfall event millions of gallons of polluted storm water originating from industrial operations such as the Santa Maria Landfill pour into storm drains and the local waterways. The consensus among agencies and water quality specialists is that storm water pollution accounts for more than half of the total pollution entering surface waters each year. Such discharges of pollutants from industrial facilities contribute to the impairment of downstream waters and aquatic dependent wildlife. These contaminated discharges can and must be controlled for the ecosystem to regain its health.

Polluted discharges from facilities such as the Santa Maria Landfill contain pollutants such as: trash, oil & grease, pH-affecting substances, solvent, salts, bacteria, hydraulic fluid, anti-freeze, battery acid, cutting oils, lubricants, cleaning agents, phenols, herbicides and pesticides, plastics, total suspended solids, iron, lead, aluminum, asbestos, copper, zinc, chemical oxygen demand, magnesium, ammonia, arsenic, cadmium, cyanide, mercury, selenium, silver, fuel and fuel additives, coolant, aromatic hydrocarbons, chlorinated hydrocarbons, inorganic nitrogen,

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<sup>4</sup> Finding 3, Storm Water Permit.



and/or fugitive and other dust, dirt, and debris. Many of these pollutants are on the list of chemicals published by the State of California as known to cause cancer, birth defects, developmental, or reproductive harm. Discharges of polluted storm water to the Receiving Waters via the storm drain system pose carcinogenic and reproductive toxicity threats to the public and adversely affect the aquatic environment.

The Receiving Waters are ecologically sensitive areas. Although pollution and habitat destruction have drastically diminished once-abundant and varied fisheries, the Receiving Waters are still essential habitat for dozens of fish and bird species as well as macro-invertebrate and invertebrate species. For example, the Santa Maria River supports the endangered Southern California Steelhead, and Arroyo Chub, among other species. Storm water contaminated with sediment, heavy metals and other pollutants harm the special aesthetic and recreational significance that the Receiving Waters have for people in the surrounding communities. The public's use of the Receiving Waters for water contact recreation exposes many people to toxic metals and other contaminants in storm water discharges. Non-contact recreational and aesthetic opportunities, such as wildlife observation, are also impaired by polluted discharges to the Receiving Waters.

Polluted discharges from the Facility cause and/or contribute to the impairment of water quality in the Receiving Waters. The Central Coast Regional Water Quality Control Board's ("Regional Board") Water Quality Control Plan for the Central Coast Basin ("Basin Plan") lists the Beneficial Uses for the Santa Maria River include: water contact recreation (REC 1), non-contact water recreation (REC 2), municipal and domestic supply (MUN), warm freshwater habitat (WARM), wildlife habitat (WILD), Agricultural Supply (AGR), Industrial Service Supply (IND), Ground Water Recharge (GWR), Cold Fresh Water Habitat (COLD), Migration of Aquatic Organisms (MIGR), Rare, Threatened or Endangered Species (RARE), Freshwater Replenishment (FRESH), and Commercial and Sport Fishing (COMM). *See* Basin Plan, Table 2-1. The Beneficial Uses for the Santa Maria River Estuary include: water contact recreation (REC 1), non-contact water recreation (REC 2), warm freshwater habitat (WARM), wildlife habitat (WILD), Ground Water Recharge (GWR), Migration of Aquatic Organisms (MIGR), Spawning, Reproduction, and/or Early Development (SPWN), Preservation of Biological Habitats of Special Significance (BIOL), Estuarine Habitat (EST), Rare, Threatened or Endangered Species (RARE), Commercial and Sport Fishing (COMM), and Shellfish Harvesting (SHELL). *Id.*

The State of California has listed the Santa Maria River and the Estuary as impaired and unable to support beneficial uses pursuant to section 303(d) of the Clean Water Act.<sup>5</sup> Specifically, California has listed the Santa Maria River as impaired for the following pollutants: Chloride, *Escherichia coli* (*E. coli*), Fecal Coliform, Nitrate, Sediment Toxicity, Sodium, Turbidity, and Unknown Toxicity. The Santa Maria Estuary is listed as impaired for: *Escherichia coli* (*E. coli*), Fecal Coliform, and Total Coliform. Discharges from the Santa Maria Landfill contain bacteria, salts, suspended solids, nutrients, and toxics, and therefore contribute to the ongoing degradation of these already impaired surface waters and of the ecosystems that depend on them.

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<sup>5</sup> 2010 Integrated Report – All Assessed Waters, available at: [http://www.waterboards.ca.gov/water\\_issues/programs/tmdl/integrated2010.shtml](http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml) (last accessed on April 8, 2014).

**D. Santa Maria Landfill Site Description and Hazardous Waste Designation.**

**1. Site Operations.**

The Santa Maria Landfill is a waste transfer station and landfill that accepts non-hazardous waste for storage, processing and disposal on-site, and hazardous waste for storage, transportation, and disposal off-site. According to the Facility's SWPPP<sup>6</sup> the Facility consists of approximately 290 acres including a 68-acre inactive landfill, a 118-acre closed active area, and a 61-acre active area which includes 36-acre Cell 1 and proposed Cell 2 for 25-acres. The remaining Facility is used for operations and contains a main office compound, recycling park bunkers, a parking area, a scale house, a levee easement, the City's storage yard, a concrete recycling area and other structural facilities. The SWPPP states that of the Facility's 290 acres, only 63 acres are "industrial area exposed to storm water."

According to the SWPPP, the City accepts municipal and industrial waste, including but not limited to scrap metal, household appliances, treated medical waste, non-friable asbestos, non-hazardous hydrocarbon impacted soil, green waste, tires, untreated wood waste, construction and demolition waste, textiles, green recyclables, electronic waste, cardboard, and universal waste. The Landfill also accepts household hazardous waste which includes acids, bases, oxidizers, flammables, poisons, batteries, sharps, ink toner cartridges, used motor oil, paint and anti-freeze. The collected household hazardous waste is stored on-site, then packaged and taken off-site for disposal.

Waste that arrives at the Facility is weighed at the scale house, recyclable material is taken to the recycling park where it is segregated in to bunkers that are loaded into containers that are hauled off-site for processing and recycling. Non-recyclable waste is sent to the landfill working face for disposal where it is unloaded and compacted. Finally, according to the SWPPP, the City uses intermediate daily cover, woodchips, and/or tarp on compacted waste.

The sources of pollution at the Facility include, but are not limited to, daily operations at the landfill, the recycling park, leachate collection, gas condensation collection, the household hazardous waste collection facility, fueling, maintenance, and use and storage of vehicles and other equipment, landfill waste oil storage and disposal, soil erosion, dust and particulate generating activities, and waste handling and storage. As explained below, the City has failed to develop, implement and/or maintain Best Management Practices ("BMPs") to prevent exposure to storm water, and subsequent polluted storm water discharges from the Facility from these and other pollutant sources at the Facility.

Information available to Coastkeeper indicates that a failure to develop, implement and/or maintain BMPs results in storm water exposure to waste materials that are collected, processed, and stored at the Santa Maria Landfill. Moreover, since wastes are stored outdoors without adequate cover or containment, storm water becomes contaminated by the waste and is

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<sup>6</sup> Unless otherwise specified, "SWPPP" refers to the 2015 SWPPP.



discharged from the Facility. The City conducts vehicle and equipment fueling, maintenance and cleaning outdoors. Trucks, equipment, and machinery are used outdoors during the waste sorting, processing, collection and/or disposal. These activities result in direct contact of pollutants with storm water, which becomes contaminated and is discharged from the Facility. Further, waste material itself, both in the processing area, and in disposal areas, come into direct contact with storm water. This polluted storm water discharges from the Facility. Moreover, information available to Coastkeeper indicates that truck and equipment wash-water at the Facility comes into direct contact with waste, and is comingled with storm water during rain events. These sources of direct contact result in contaminated storm water discharges from the Facility. Finally, information available to Coastkeeper indicates that the City operates the Facility with inadequate sediment and tracking controls resulting in sediment being tracked and discharged off-site.

## **2. Applicability of Subchapter N Effluent Limitations.**

As the Santa Maria Landfill is classified as SIC code 4953, subchapter N effluent limitations apply to discharges of wastewater from the Facility. *See* 40 C.F.R. § 445.1 *et seq.* Specifically, landfill wastewater means,

“all wastewater associated with, or produced by, landfilling activities except for sanitary wastewater, non-contaminated storm water, contaminated ground water, and wastewater from recovery pumping wells... Landfill wastewater includes, but is not limited to, leachate, gas collection condensate, drained free liquids, laboratory derived wastewater, contaminated storm water and contact washwater from washing truck, equipment, and railcar exteriors and surface areas which have come in direct contact with solid waste at the landfill facility.” 40 C.F.R. § 445.2(f).

“Contaminated storm water means storm water which comes in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater as defined in paragraph (f) of this section. Some specific areas of a landfill that may produce contaminated storm water include (but are not limited to): the open face of an active landfill with exposed waste (no cover added); the areas around wastewater treatment operations; trucks, equipment or machinery that has been in direct contact with the waste; and waste dumping areas.” 40 C.F.R. § 445.2(b).

“Non-contaminated storm water means storm water which does not come in direct contact with landfill wastes, the waste handling and treatment areas, or landfill wastewater that is defined in paragraph (f) of this section. Non-contaminated storm water includes storm water which flows off the cap, cover, intermediate cover, daily cover, and/or final cover of the landfill.” 40 C.F.R. § 445.2(g).

Based on information available to Coastkeeper, the Facility discharges wastewater as defined in 40 C.F.R. § 445.1, including, but not limited to, contaminated storm water, washwater

from truck washing and equipment cleaning, and storm water from surface areas that comes into direct contact with solid waste at the Santa Maria Landfill. Information available to Coastkeeper indicates that storm water becomes contaminated within the meaning of 40 C.F.R. § 445.2 during each rain event as it comes into direct contact with landfill wastes, with the waste handling and treatment areas, or with landfill wastewater. Finally, information available to Coastkeeper indicates that the areas at the Facility that generate contaminated storm water also include: (1) waste dumping areas; (2) areas where waste is sorted and then stored prior to final destination; (3) exposed waste at the active cell during daily operations at the Santa Maria Landfill prior to cover; and (4) trucks, equipment, and machinery in direct contact with waste during daily operations during storm events. The activities resulting in landfill wastewater, and the areas generating contaminated storm water, are located throughout the Facility. The landfill wastewater at the Facility falls within the meaning of 40 C.F.R. § 445, and is commingled with the storm water that does not fall within the meaning of the “landfill wastewater” as defined in 40 C.F.R. § 445.2. Thus, information available to Coastkeeper indicates that all storm water discharged from the Facility falls within the meaning of landfill wastewater as defined in 40 C.F.R. § 445.2.

In addition, the Facility’s operations include hazardous waste storage and/or disposal, within the requirements in Subpart A of 40 C.F.R. § 445. The City is therefore required to comply with the federal numeric effluent limitations at 40 C.F.R. §§ 445.11, 445.12 and 445.13. *See* section II.A below for further discussion on these specific numeric effluent limitations. EPA has identified that landfill BMPs should be designed to reduce the volume of leachate and contaminated storm water generated from the landfill, to reduce the toxicity of the leachate and contaminated storm water discharged from the landfill, and specifically to achieve subchapter N limits. The types of BMPs that EPA has identified as appropriate to meet the federal effluent limitations include, but are not limited to, equalization, chemical precipitation, activated sludge biological treatment, and multimedia filtration. A landfill operator may choose the technology appropriate for the facility so long as the wastewater and contaminated storm water discharged from their facility meets the federal numeric effluent limitations.

The City’s January 2014 SWPPP discusses the Subchapter N requirements in general terms, and incorrectly states that only storm water that comes into direct contact with landfill waste falls within the meaning of “landfill wastewater” in 40 C.F.R. § 445.2. *See* 2014 SWPPP, section 7.4, and table 7-1. The City also incorrectly states that other than “about 10 acres of active Cell 1 refuse disposal area, the surface run-off does not come in contact with refuse and does not become contaminated. *See* 2014 SWPPP, section 2.2.1. Based on this narrow and incorrect reading of the federal effluent requirements, the City failed to develop and implement BMPs as required to meet the Subchapter N requirements, and also failed to sample the landfill wastewater including the contaminated storm water from the Facility as required. Moreover, the City now claims that the effluent limitation guidelines within 40 C.F.R. subchapter N do not apply to the Facility at all. *See* SWPPP, section 8.1.5. This is incorrect.

### **3. BMPs.**

The City has failed to develop, implement and maintain BMPs that are necessary to meet the requirements of the Storm Water Permit and the Reissued Storm Water Permit, including but not limited to the federal effluent limitations. For example, the SWPPP describes “minimum BMPs”, including Good Housekeeper, Preventative Maintenance, Spill Response, Materials Handling and Waste Storage, Erosion Control, Employee Training, and Record Keeper and Reporting. *See e.g.* SWPPP, pp.15-18. These minimum BMPs are described in only the most general terms, with virtually no discussion of how those BMPs are implemented at the Facility, or how they relate the pollutants associated with a landfill, and/or those identified by storm water sampling. Section 6.5 of the SWPPP, titled “Advanced BMPs”, in fact states that no advanced BMPs or treatment systems are used at the Facility. *See* SWPPP at p.18. Instead this section describes an oil water separator for the truck wash, and a retention basin that “captures the majority of stormwater runoff from the landfill’s industrial activities.” *Id.* Coastkeeper investigators have observed and sampled run-off flowing from the trash processing, truck wash, and equipment maintenance area and out the Facility driveway during rain events — demonstrating that landfill wastewater and contaminated storm water consistently discharge from the Facility.

The Facility’s BMPs do not meet BAT/BCT for landfills, are inadequate to meet the applicable federal effluent limitations, and the minimum BMPs that are developed are inadequately implemented.

**E. Santa Maria Landfill Pollutants and Discharge Points at the Facility.**

According to the SWPPP, a drainage channel surrounds the perimeter of the Facility and discharges from at least three points to the Santa Maria River. In Annual Reports submitted to the Regional Board, the Santa Maria Landfill Owner and Operator identifies four (4) storm water discharge points at the Facility. Historically the City has sampled from outfalls identified as SW 1, approximately 400 feet east of Suey Canyon Road (the old burn dump/landfill section, along the levee); SW 2, approximately about 6,000 feet east of Suey Canyon Road (at the levee, along the Old Scalehouse/active area); SW 3, which is approximately 6,030 feet east of Suey Canyon Road (along the levee, includes Closed Landfill); and SW 4, at the northwestern end of the active stockpile and filling areas. *See also* Facility Site Map, attached hereto as Exhibit C.

The pollutants associated with operations at the Santa Maria Landfill include, but are not limited to: trash, oil & grease, pH-affecting substances, solvent, salts, bacteria, hydraulic fluid, anti-freeze, battery acid, cutting oils, lubricants, cleaning agents, phenols, herbicides and pesticides, plastics, total suspended solids, iron, lead, aluminum, asbestos, copper, zinc, chemical oxygen demand, magnesium, ammonia, arsenic, cadmium, cyanide, mercury, selenium, silver, fuel and fuel additives, coolant, aromatic hydrocarbons, chlorinated hydrocarbons, inorganic nitrogen, and/or fugitive and other dust, dirt, and debris. Additional pollutants associated with the Santa Maria Landfill as listed in 40 C.F.R. subchapter N include those in section II.A, below. Information available to Coastkeeper indicates that the City has failed and continues to fail to develop and/or implement BMPs at the Facility that achieve compliance with the Storm water Permit and the Reissued Storm Water Permit. The City’s failure to develop and/or implement the required BMPs at the Facility results in the exposure of pollutants associated with industrial



activities to precipitation. The polluted storm water is then discharged from the Santa Maria Landfill into Receiving Waters in violation of the Storm Water Permit and the Reissued Storm Water Permit.

## II. VIOLATIONS OF THE CLEAN WATER ACT, THE STORM WATER PERMIT, AND THE REISSUED STORM WATER PERMIT

### A. Discharges of Polluted Storm Water from the Santa Maria Landfill in Violation of Effluent Limitation B(1) of the Storm Water Permit and V(B) of the Reissued Permit

The Storm Water Permit and the Reissued Storm Water Permit require permittees subject to federal effluent limitations in subchapter N to not “exceed the specified effluent limitation.” Storm Water Permit, Effluent Limitation B(1); Revised Storm Water Permit, Effluent Limitation V(B). As detailed above, the subchapter N federal effluent limitation at 40 C.F.R. §§ 445.11-13 apply to the Santa Maria Landfill. The numeric effluent limitations are attainable through the development and implementation of best practicable control technology currently available (“BPT”), best conventional pollutant control technology (“BCT”), and best available technology economically achievable (“BAT”). Thus, a discharger that fails to meet the federal effluent limitations is also in violation of the BAT/BCT requirement. *See* 40 C.F.R. § 445.12-13; *see also* Storm Water Permit, Effluent Limitation B(1), and Reissued Storm Water Permit, Effluent Limitation V(B); *see also* Reissued Storm Water Permit, Findings Section K ¶ 58 (compliance with federal effluent limitations constitutes compliance with the technology-based requirements of the permit, including the BAT/BCT requirement). 40 C.F.R. § 445.11 sets forth the effluent limitations attainable through the BPT currently available, which include the following:

Effluent Limitations (in mg/L except pH)		
Regulated parameter	Maximum daily	Maximum monthly avg.
BOD(5) <sup>7</sup>	220	56
TSS	88	27
Ammonia (as N)	10	4.9
α-Terpineol	0.042	0.019
Aniline	0.024	0.015
Benzoic acid	0.115	0.073
Naphthalene	0.059	0.022
p-Cresol	0.024	0.015
Phenol	0.048	0.029
Pyridine	0.072	0.025
Arsenic	1.1	0.54
Chromium	1.1	0.46

<sup>7</sup> BOD(5) means five (5)-day biological oxygen demand.

Effluent Limitations (in mg/L except pH)		
Regulated parameter	Maximum daily	Maximum monthly avg.
Zinc	0.535	0.296
pH	6-9	6-9

The effluent limitations attainable by the application of the BCT include BOD<sub>5</sub>, TSS, and pH, set forth in the above table. *See* 40 C.F.R. § 445.12. Finally, as set forth in section 445.13, the dischargers subject to 40 C.F.R. § 445, subpart A, must achieve effluent limitations representing the degree of effluent reduction attainable by the application of BAT, which include ammonia (as N), a-terpineol, aniline, benzoic acid, naphthalene, p-cresol, phenol, pyridine, arsenic, chromium and zinc, as set forth in the above table. 40 C.F.R. § 445.13.

Although the City has failed to analyze storm water samples for the subchapter N parameters required by the Storm Water Permit and Reissued Storm Water Permit (see further discussion below), the analytical results of storm water sampling at the Facility that are available demonstrate that the Santa Maria Landfill Owner and Operator has and continues to exceed the applicable effluent limitation for TSS. The table in Exhibit B sets forth the results of sampling at the Facility conducted by the Santa Maria Landfill Owner and Operator, results of which are compared to the EPA Benchmarks, subchapter N effluent limitations, and applicable water quality standards. The TSS exceedances demonstrate that the City has and continues to discharge landfill wastewater in violation of the subchapter N effluent limitations in 40 C.F.R. part 445, and thus fails to implement BAT/BCT at the Facility.

As explained herein, Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that Effluent Limitation B(1) of the Storm Water Permit and Effluent Limitation V(B) of the Reissued Storm Water Permit are violated every day the Facility discharges landfill wastewater, including but not limited to contaminated storm water, containing concentrations of pollutants in excess of the federal effluent limitations. *See* Exhibit A (setting forth dates of significant rain events).<sup>8</sup> These effluent limitation violations are ongoing and will continue every day the Santa Maria Landfill Owner and Operator discharges landfill wastewater as defined in 40 C.F.R. § 445.2 in violation of Storm Water Permit, Effluent Limitation (B)(1), the Reissued Storm Water Permit, Effluent Limitation V(B), and the effluent limitations in 40 C.F.R. § 445, subpart A. Coastkeeper will include additional violations as information and data become available.

Each day the Santa Maria Landfill Owner and/or Operator discharges in violation of Effluent Limitation (B)(1) and Reissued Storm Water Permit, Effluent Limitation V(B) is a separate and distinct violation of the Storm Water Permit, the Reissued Storm Water Permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Santa Maria Landfill Owner

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<sup>8</sup> A significant rain event is one that produces storm water runoff, which occurs with 0.1 inches or more of precipitation. *See* EPA, NPDES Storm Water Sampling Guidance Document, July 1992.



and Operator is subject to civil penalties for all violations of the Clean Water Act occurring since August 31, 2010.

**B. Discharges of Polluted Storm Water from the Santa Maria Landfill in Violation of Effluent Limitation B(3) of the Storm Water Permit and V(A) of the Reissued Permit**

The Storm Water Permit and the Reissued Storm Water Permit require dischargers to reduce or prevent pollutants associated with industrial activity in storm water discharges through implementation of BMPs that achieve BAT for toxic pollutants<sup>9</sup> and BCT for conventional pollutants.<sup>10</sup> Storm Water Permit, Effluent Limitation (B)(3); Reissued Storm Water Permit, Effluent Limitation V(A). This requirement applies to all storm water discharged from the Facility. As explained herein, information available to Coastkeeper indicates that storm water discharged from the Facility falls within the meaning of “landfill wastewater” as defined in 40 C.F.R. § 445.2, and accordingly must comply with the federal effluent limitations in section 445.12 and 445.13. However, even if some storm water does not fall within the meaning of “landfill wastewater” the Santa Maria Landfill Owner and Operator must achieve compliance with the BAT/BCT Effluent Limitation (B)(3) and V(A) of the Storm Water Permit and Reissued Storm Water Permit, respectively. Information available to Coastkeeper indicates that the City has violated and continues to violate the Storm Water Permit’s Effluent Limitation (B)(3) and the Reissued Storm Water Permit’s Effluent Limitation V(A). Thus, the Santa Maria Landfill Owner and Operator has failed and continues to fail to develop and/or implement BMPs at the Facility that achieve compliance with the BAT/BCT standards.

The EPA Benchmarks are relevant and objective standards for evaluating whether a permittee’s BMPs achieve compliance with BAT/BCT standards as required by Effluent Limitation B(3) of the Storm Water Permit and V(A) of the Reissued Storm Water Permit. Consistent with the Santa Maria Landfill’s failure to develop and implement required BMPs, the repeated and significant exceedances of EPA Benchmarks as set forth in Table B, combined with observations by Coastkeeper investigators and the measures described in the SWPPP, further demonstrate that the Santa Maria Landfill Owner and Operator has failed and continues to fail to develop and/or implement BMPs at the Facility as required to achieve compliance with the BAT/BCT standards.

As explained herein, Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that Effluent Limitation B(3) of the Storm Water Permit and Effluent Limitation V(A) of the Reissued Storm Water Permit are violated every day the Facility discharges storm water without BMPs that achieve BAT/BCT. *See Exhibit* (setting forth dates of significant rain events). These effluent limitation violations are ongoing and will continue every day the Santa Maria Landfill Owner and Operator discharges without developing and/or implementing BMPs that achieve compliance with the BAT/BCT standards as required by the Storm Water Permit, Effluent Limitation (B)(3) and V(A) the Reissued Storm Water Permit, and the effluent

<sup>9</sup> Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

<sup>10</sup> Conventional pollutants are listed at 40 C.F.R. § 401.16 and include Biological Oxygen Demand (“BOD”), Total Suspended solids (“TSS”), Oil & Grease (“O&G”), pH, and fecal coliform.

limitations in 40 C.F.R. § 445, subpart A. Coastkeeper will include additional violations as information and data become available.

Each day the Santa Maria Landfill Owner and/or Operator discharges in violation of Effluent Limitation (B)(3) and Reissued Storm Water Permit V(A) is a separate and distinct violation of the Storm Water Permit, the Reissued Storm Water Permit, and Section 301(a) of the Clean Water Act, 33 U.S.C. § 1311(a). The Santa Maria Landfill Owner and Operator is subject to civil penalties for all violations of the Clean Water Act occurring since August 31, 2010.

**C. Discharges of Polluted Storm Water from the Santa Maria Landfill in Violation of Receiving Water Limitations C(1) of the Storm Water Permit and VI(B) of the Reissued Storm Water Permit.**

As explained herein, the Santa Maria Landfill Owner and Operator has violated and continues to violate Receiving Water Limitation C(1) of the Storm Water Permit, and VI(B) of the Reissued Storm Water Permit. Specifically, Receiving Water Limitations C(1) and VI(B) prohibit storm water discharges and authorized non-storm water discharges to surface water that adversely impact human health or the environment. Storm Water Permit, Receiving Water Limitation C(1); Reissued Storm Water Permit, Receiving Water Limitation VI(B). Discharges that contain pollutants in concentrations that exceed levels known to adversely impact human health or the environment constitute violations of Receiving Water Limitation C(1) of the Storm Water Permit, provision VI(B) of the Reissued Storm Water Permit, and the Clean Water Act.

Each time discharges of storm water from the Santa Maria Landfill adversely impact human health or the environment is a separate and distinct violation of Receiving Water Limitation C(1) of the Storm Water Permit, provision VI(B) of the Reissued Storm Water Permit, and the Clean Water Act.

As explained herein, the Receiving Waters are impaired, and thus unable to support designated beneficial uses, for the pollutants discharged from the Santa Maria Landfill, including but not limited to turbidity, E. coli, Total Coliform, Fecal Coliform and Nitrates. *See* Exhibit B. Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that Receiving Water Limitation C(1) of the Storm Water Permit, and VI(B) of the Reissued Storm Water Permit, are violated each time polluted storm water discharges from the Facility. *See, e.g.,* Exhibit A. Information available to Coastkeeper indicates that these violations are ongoing and occur every time the Santa Maria Landfill Owner and Operator discharges storm water from the Facility. Coastkeeper will update the dates of violation when additional information and data becomes available.

Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit, provision VI(A) of the Reissued Storm Water Permit, and the Clean Water Act. The Santa Maria Landfill Owner and Operator is subject to civil penalties for all violations of the Clean Water Act occurring since August 31, 2010.

**D. Discharges of Polluted Storm Water from the Santa Maria Landfill in Violation of Receiving Water Limitations C(2) of the Storm Water Permit and VI(A) of the Reissued Storm Water Permit.**

As explained herein, the Receiving Waters are impaired, and thus unable to support designated beneficial uses, for the pollutants discharged from the Santa Maria Landfill, including but not limited to turbidity, E. coli, Total Coliform, Fecal Coliform and Nitrates. *See* Exhibit B. Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that Receiving Water Limitation C(2) of the Storm Water Permit and VI(A) of the Reissued Storm Water Permit are violated each time polluted storm water discharges from the Facility. *See, e.g.,* Exhibit A. Information available to Coastkeeper indicates that these violations are ongoing and occur every time the Santa Maria Landfill Owner and Operator discharges storm water from the Facility. Coastkeeper will update the dates of violation when additional information and data becomes available.

As explained herein, the Santa Maria Landfill Owner and Operator has violated and continues to violate Receiving Water Limitation C(2) of the Storm Water Permit; the identical requirement is set forth at VI(A) of the Reissued Storm Water Permit. Receiving Water Limitation C(2) and VI(A) prohibit storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of an applicable Water Quality Standard ("WQS").<sup>11</sup> Storm Water Permit, Receiving Water Limitation C(2); Reissued Storm Water Permit, Receiving Water Limitation VI(A). Discharges that contain pollutants in excess of an applicable WQS violate Receiving Water Limitation C(2) of the Storm Water Permit, provision VI(A) of the Reissued Storm Water Permit, and the Clean Water Act.

Each time discharges of storm water from the Facility cause or contribute to a violation of an applicable WQS is a separate and distinct violation of Receiving Water Limitation C(2) of the Storm Water Permit, provision VI(A) of the Reissued Storm Water Permit, and the Clean Water Act. The Santa Maria Landfill Owner and Operator is subject to civil penalties for all violations of the Clean Water Act occurring since August 31, 2010.

**E. Failure to Develop, Implement and/or Revise an Adequate Storm Water Pollution Prevention Plan.**

Section A(1) and Provision E(2) of the Storm Water Permit requires dischargers to have developed and implemented a SWPPP by October 1, 1992, or prior to beginning industrial activities, that meets all of the requirements of the Storm Water Permit. *See also* Reissued Storm Water Permit, Section X(B). The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges from the Santa Maria Landfill, and to implement site-specific BMPs to reduce

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<sup>11</sup> WQSs include pollutant concentration levels determined by the State Board and the EPA to be protective of the Beneficial Uses of the receiving waters. Discharges above WQSs contribute to the impairment of the receiving waters' Beneficial Uses. Applicable WQSs include, among others, the Criteria for Priority Toxic Pollutants in the State of California, 40 C.F.R. § 131.38 ("CTR"). The Basin Plan also sets out additional applicable WQSs.



or prevent pollutants associated with industrial activities in storm water discharges. Storm Water Permit, Section A(2); Reissued Storm Water Permit, Section X(C). To ensure compliance with the Storm Water Permit, the SWPPP must be evaluated on an annual basis, or more, and when necessary revised to ensure compliance with permit requirements. Storm Water Permit, Section A(9) and A(10); Reissued Storm Water Permit, Section X(B).

Sections A(3) – A(10) of the Storm Water Permit set forth the requirements for a SWPPP. Among other things, the SWPPP must include: a site map showing the facility boundaries, storm water drainage areas with flow patterns, nearby water bodies, the location of the storm water collection, conveyance and discharge system(s), structural control measures, areas of actual and potential pollutant contact, and areas of industrial activity (*see* Section A(4)); a list of significant materials handled and stored at the site (*see* Section A(5)); a description of potential pollutant sources including industrial processes, material handling and storage areas, dust and particulate generating activities; a description of significant spills and leaks, a list of all non-storm water discharges and their sources; and a description of locations where soil erosion may occur (*see* Section A(6)). Sections A(7) and A(8) require an assessment of potential pollutant sources at the facility and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-storm water discharges, including structural BMPs where non-structural BMPs are not effective.

The Reissued Storm Water Permit contains the same requirements as set forth above. *See* Reissued Storm Water Permit, Section X(A)-(H). As with the 1997 Storm Water Permit, the Reissued Storm Water Permit requires dischargers to ensure that the SWPPP is developed to: (a) identify and evaluate all sources of pollutants that may affect the quality of storm water discharges and/or authorized non-storm water discharges; (b) identify and describe the all BMPs implemented to reduce or prevent pollutants in storm water discharges and/or authorized non-storm water discharges necessary to achieve compliance with permit terms; and (c) identify and describe conditions or circumstances which may require future revisions to be made to the SWPPP. Reissued Storm Water Permit, Section X(C)(1)(a-c).

Information available to Coastkeeper indicates that the Santa Maria Landfill Owner and Operator has been conducting and continues to conduct operations at the Facility with an inadequately developed, implemented, and/or revised SWPPP. For example, the Santa Maria Landfill Owner and Operator has failed to identify all discharge points, failed to identify all pollutant sources, and continues to fail to develop and/or implement a SWPPP that contains adequate BMPs to prevent the exposure of pollutant sources to storm water and adequate BMPs to prevent the subsequent discharge of polluted storm water from the Facility.

Further the Santa Maria Landfill Owner and Operator has failed and continues to fail to revise or evaluate the SWPPP as necessary to develop and implement adequate BMPs necessary for compliance with the Storm Water Permit and Reissued Storm Water Permit. For example, polluted storm water discharges evidence that the Santa Maria Landfill Owner and Operator has inadequately developed and/or implemented BMPs at the Facility. Sample results, as well as visual observations of BMPs, including observations conducted during rain events, should have



put the City on notice that existing BMPs established under the current SWPPP have failed to prevent storm water exposure to pollutants and subsequent polluted storm water discharges.

Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that it violates Provision E.2, Section A, and Sections C(9) and (10) of the Storm Water Permit and Sections X(A)-(H) of the Reissued Storm Water Permit every day it operates with an inadequately developed, implemented, and/or revised SWPPP. Every day the Santa Maria Landfill Owner and Operator operates the Facility with an inadequately developed, implemented, and/or revised SWPPP is a separate and distinct violation of the Storm Water Permit, the Reissued Storm Water Permit, and the Clean Water Act. The Santa Maria Landfill Owner and Operator has been in daily and continuous violation of the SWPPP requirements since at least August 31, 2010. These violations are ongoing, and Coastkeeper will include additional violations when additional information and data become available. The Santa Maria Landfill Owner and Operator is subject to civil penalties for all violations of the Clean Water Act occurring since August 31, 2010.

**F. Failure to Develop, Implement, and/or Revise an Adequate Monitoring and Reporting Program.**

Section B(1) and Provision E(3) of the Storm Water Permit requires facility operators to develop and implement an adequate Monitoring and Reporting Program ("M&RP") by October 1, 1992, or when industrial activities begin at a facility, that meets all of the requirements of the Storm Water Permit. The Reissued Storm Water Permit requires the same thing. *See* Reissued Storm Water Permit, Section X(I) and Section XI. The primary objective of the M&RP is to detect and measure the concentrations of pollutants in a facility's discharge, and to ensure compliance with the Storm Water Permit's Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations. *See* Storm Water Permit, Section B(2); *see also* Revised Storm Water Permit, Section XI. An adequate M&RP therefore ensures that BMPs are effectively reducing and/or eliminating pollutants at the facility, and is evaluated and revised whenever appropriate to ensure compliance with the Storm Water Permit. *See id.*

Based on information available to Coastkeeper, the Santa Maria Landfill Owner and Operator has not developed, implemented, and/or revised an M&RP that meets the requirements of the Storm Water Permit or the Reissued Storm Water Permit. Specific failures of the Santa Maria Landfill Owner's and/or Operator's M&RP are described below.

**1. Failure to Analyze Storm Water Samples for All Pollutants Required by the Permit.**

Section B(5)(c) of the Storm Water Permit requires all permittees to analyze their storm water samples for Total Suspended Solids ("TSS"); pH; specific conductance; and total organic carbon ("TOC") or oil & grease, and other toxic chemicals and pollutants that are likely to be in discharges in significant quantities. *See* Storm Water Permit, Section B(5)(c)(ii). Section XI(B)(6) of the Reissued Storm Water Permit requires permittees to analyze samples for TSS, oil & grease, and pH, and other pollutants associated with industrial operations. Pollutants associated with industrial operations at the Santa Maria Landfill include pollutants such as

aluminum, copper, zinc, and those listed in 40 C.F.R. § 445. The Storm Water Permit requires facilities conducting industrial activities associated with SIC code 4953 (Hazardous Waste Treatment Storage or Disposal) to analyze storm water samples for ammonia, magnesium, chemical oxygen demand, arsenic, cadmium, cyanide, lead, mercury, selenium, silver, and iron. *See id*; *see also* Storm Water Permit, Table D, Sectors K and L. Section XI(B)(6)(d) of the Reissued Storm Water Permit requires facilities with SIC code 4953 to analyze samples for ammonia, magnesium, chemical oxygen demand, arsenic, cyanide, lead, mercury, selenium, and silver. *See* Reissued Storm Water Permit, Section XI, Table 1. Since the Santa Maria Landfill is classified as SIC code 4953, subchapter N effluent limitations apply to the discharge of wastewater from the Facility. Accordingly, the City is required to analyze samples for the parameters listed in section II.A above. *See* 40 C.F.R. § 445.11; *see also* Storm Water Permit, Section B(6)(a); Reissued Storm Water Permit, Section XI(B)(g). Information available to Coastkeeper indicates that the City has failed and continues to fail to analyze samples for these required parameters.

The Santa Maria Landfill Owner and Operator did not analyze storm water samples for any of the Table D parameters other than iron, and failed to analyze for iron during the 2012-2013 Wet Season.<sup>12</sup> In addition, the Santa Maria Landfill Owner and Operator previously analyzed samples for Nitrate, a parameter likely to be found in its discharge, and the discharges contained elevated levels of this pollutant. However, the Santa Maria Landfill Owner and Operator has not analyzed samples for Nitrate since the 2011-2012 Wet Season. The Santa Maria Landfill Owner and Operator has failed to analyze samples for other required parameters. Information available to Coastkeeper indicates that the City has never conducted the sampling and analysis required by 40 C.F.R. § 445.11.

Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that it violates Section B(5) of the Storm Water Permit and Section XI(B) of the Reissued Storm Water Permit every day it operates without developing, implementing, and/or revising an M&RP that provides for sampling and analysis of all required analytical parameters. These violations are ongoing and will continue every day the City operates with an inadequately developed and/or implemented M&RP. Coastkeeper will include additional violations as information and data become available.

## **2. Failure to Sample Storm Water Discharges As Required by the Permit.**

The Storm Water Permit requires permittees to collect two (2) storm water discharge samples from a qualifying rain event,<sup>13</sup> as follows: 1) from all discharge locations, 2) during the first hour of discharge, 3) from the first storm event of the Wet Season, and 4) from at least one other storm event in the Wet Season. Storm Water Permit, Section B(5)(a). The Reissued Storm Water Permit requires: 1) the collection of four (4) samples per year, two samples from July 1-December 31, and two samples from January 1 to June 30, 2) within four (4) hours of the start of

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<sup>12</sup> The Storm Water Permit defines the Wet Season from October 1-May 31.

<sup>13</sup> A qualifying rain event is one where discharges occur during scheduled facility operating hours and are preceded by at least three working days without storm water discharges. Storm Water Permit, Section B(5)(b).

a discharge, or the start of facility operations if the qualifying rain event<sup>14</sup> occurs within the previous 12-hour period, and 3) from each discharge location. Reissued Storm Water Permit, Section XI(B)(1-5). Sampling of stored or contained storm water is required when the storm water is released or discharged. Storm Water Permit, Section B(5)(a).

In addition to the above requirements, the Storm Water Permit requires that permittees subject to federal effluent limitations in 40 C.F.R. subchapter N must: “a. Collect and analyze two samples for any pollutant specified in the appropriate category of 40 CFR Subchapter N. The sampling and analysis exemptions and reductions described in Section B.12. of this General Permit do not apply to these pollutants. b. Estimate or calculate the volume of storm water discharges from each drainage area; c. Estimate or calculate the mass of each regulated pollutant as defined in the appropriate category of 40 CFR Subchapter N; and d. Identify the individual(s) performing the estimates or calculations in accordance with Subsections b. and c. above.” Storm Water Permit, Section B(6). The Reissued Storm Water Permit contains similar requirements but limited the requirement to estimate the volume of discharges to those permittees subject to 40 C.F.R. §§ 419 and 443. *See* Reissued Storm Water Permit, Section XI(D). Information available to Coastkeeper indicates that the City has never complied with the above-listed requirements.

The Santa Maria Landfill Owner and Operator has consistently failed to collect the required storm water samples in violation of the Storm Water Permit’s and the Reissued Storm Water Permit’s M&RP requirements. For example, the Santa Maria Landfill Owner and Operator has never collected samples of storm water discharges from its trash processing, scaling, and truck washing and maintenance area, does not consistently collect storm water samples from each discharge location, from the first rain event of the season, and/or from at least two storm events each Wet Season. Therefore, the Santa Maria Landfill Owner and Operator has been in continuous violation of the M&RP requirements for failing to sample as required.

Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that it violates Section B(5) of the Storm Water Permit and Section XI(B) of the Reissued Storm Water Permit every day it operates without developing, implementing, and/or revising an M&RP that ensures the collection of storm water discharge samples as required by the Storm Water Permit and the Reissued Storm Water Permit. These violations are ongoing and will continue every day the City operates with an inadequately developed and/or implemented M&RP. Coastkeeper will include additional violations as information and data become available.

### **3. Failure to Conduct Visual Observations As Required by the Permit.**

Section B(4) of the Storm Water Permit requires dischargers to conduct visual observations of storm water discharges at all discharge locations within the first hour of discharge from one storm event per month during the Wet Season. The Reissued Storm Water Permit requires visual observations at least once each month, and at the same time sampling occurs at a discharge location. Reissued Storm Water Permit, Section XI(A). Observations must

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<sup>14</sup> The Reissued Storm Water Permit defines a qualifying storm event as one that produces a discharge for at least one drainage area, and is preceded by 48-hours with no discharge from any drainage areas. *Id.* at XI(B)(1).



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document the presence of any floating and suspended material, O&G, discolorations, turbidity, odor and the source of any pollutants. Storm Water Permit, Section B(4)(c); Reissued Storm Water Permit, Section XI(A)(2). Dischargers must document and maintain records of observations, observation dates, locations observed, and responses taken to reduce or prevent pollutants in storm water discharges. Storm Water Permit, Section B(4)(c); Reissued Storm Water Permit, Section XI(A)(3).

Based on information available to Coastkeeper, the Santa Maria Landfill Owner and Operator consistently fails to properly conduct and/or document the required visual observations of storm water discharges within the first hour of discharge, from all discharge locations, and/or from one qualifying storm event per month. The Santa Maria Landfill Owner and Operator also fails to properly document and maintain records of observations and/or responses taken to reduce or prevent pollutants in storm water discharges.

Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that it violates Section B(4) of the Storm Water Permit and Section XI(A) of the Reissued Storm Water Permit every day it operates the Facility without developing, implementing, and/or revising an M&RP that provides for the required visual observations of storm water discharges. These violations are ongoing and will continue every day the City operates with an inadequately developed and/or implemented M&RP. Coastkeeper will include additional violations as information and data become available.

As set forth above, the Santa Maria Landfill Owner and Operator violates Section B of the Storm Water Permit, Section XI(B) of the Reissued Storm Water Permit every day the City operates with an inadequately developed, implemented, and/or revised M&RP. The Santa Maria Landfill Owner and Operator has been in daily and continuous violation of the M&RP requirements every day since at least August 31, 2010. These violations are ongoing and will continue every day the City operates with an inadequately developed and/or implemented M&RP. The Santa Maria Landfill Owner and Operator is subject to civil penalties for all violations of the Clean Water Act occurring since August 31, 2010.

**G. Failure to Comply with the Storm Water Permit's Reporting Requirements.**

Section B(14) of the Storm Water Permit requires a permittee to submit an Annual Report to the Regional Board by July 1 of each year. The Storm Water Permit, in relevant part, requires that the Annual Report include the following: 1) a summary of visual observations and sampling results; 2) an evaluation of the visual observation and sampling and analysis results and the laboratory reports; 3) the Annual Comprehensive Site Compliance Evaluation Report; and 4) an explanation of why the facility did not implement any activities required by the Permit. Section B(14). As part of the Annual Comprehensive Site Compliance Evaluation, which must be included in the Annual Report, the facility operator shall review and evaluate all of the BMPs to determine whether they are adequate or whether SWPPP revisions are needed. *See* Storm Water Permit Section A(9). The Annual Report shall be signed and certified by a duly authorized representative, under penalty of law that the information submitted is true, accurate, and



complete to the best of their knowledge. *See* Storm Water Permit, Sections B(14), C(9), and C(10).

Since at least the 2009/2010 Wet Season the Santa Maria Landfill Owner and Operator has failed to submit Annual Reports that comply with the Storm Water Permit reporting requirements. For example, the Santa Maria Landfill Owner and Operator certifies in the Annual Reports that: (1) a complete Annual Comprehensive Site Compliance Evaluation was done pursuant to Section A(9) of the Storm Water Permit; (2) the SWPPP's BMPs address existing potential pollutant sources; and (3) the SWPPP complies with the Storm Water Permit, or will otherwise be revised to achieve compliance. However, information available to Coastkeeper, including a review of the Regional Board's files and the Facility storm water sampling data, indicates that the Santa Maria Landfill Owner and Operator certifications are erroneous. The Santa Maria Landfill Owner and Operator has not developed and/or implemented required BMPs at the Facility, or made any revisions to the Facility SWPPP or M&RP. These failures result in the ongoing discharge of storm water containing pollutant levels in violation of the Storm Water Permit limitations.

The Santa Maria Landfill Owner and Operator also failed and continues to fail to provide the explanations in the Annual Reports for non-compliance with the Storm Water Permit's terms. For instance, the Santa Maria Landfill Owner and Operator fails to explain why it did not conduct sampling and visual observations as required by the Permit.

Coastkeeper puts the Santa Maria Landfill Owner and Operator on notice that it violates Section B(14) of the Storm Water Permit every day it fails to comply with the Storm Water Permit reporting requirements. These violations are ongoing and will continue every day the Santa Maria Landfill Owner and Operator operates without reporting in accordance with Section B(14). The Santa Maria Landfill Owner and Operator has been in daily and continuous violation of the Storm Water Permit's reporting requirements every day since at least August 31, 2010. These violations are ongoing. The Santa Maria Landfill Owner and Operator is subject to civil penalties for all violations of the Clean Water Act occurring since August 31, 2010.

### **III. RELIEF AND PENALTIES SOUGHT FOR VIOLATIONS OF THE CLEAN WATER ACT**

Pursuant to Section 309(d) of the Clean Water Act, 33 U.S.C. § 1319(d), and the Adjustment of Civil Monetary Penalties for Inflation, 40 C.F.R. § 19.4, each separate violation of the Clean Water Act subjects the violator to a penalty for all violations occurring during the period commencing five years prior to the date of a notice of intent to file suit letter. These provisions of law authorize civil penalties of up to \$37,500 per day per violation for all Clean Water Act violations.

In addition to civil penalties, Coastkeeper will seek injunctive relief preventing further violations of the Clean Water Act pursuant to Sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), declaratory relief, and such other relief as permitted by law.

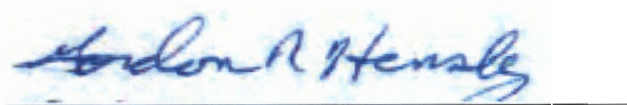
Lastly, pursuant to Section 505(d) of the Clean Water Act, 33 U.S.C. § 1365(d), Coastkeeper will seek to recover its costs, including attorneys' and experts' fees, associated with this enforcement action.

#### IV. CONCLUSION

Upon expiration of the 60-day notice period, Coastkeeper will file a citizen suit under Section 505(a) of the Clean Water Act for the Santa Maria Landfill Owner's and Operator's violations of the Storm Water Permit and the Reissued Storm Water Permit. During the 60-day notice period, however, Coastkeeper is willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions please contact Coastkeeper. Please direct all communications to Coastkeeper's legal counsel:

Daniel Cooper  
Daniel@Lawyersforcleanwater.com  
Lawyers for Clean Water, Inc.  
1004 O'Reilly Avenue, Suite A  
San Francisco, CA 94129  
415-440-6520

Sincerely yours,

A handwritten signature in blue ink, reading "Gordon R. Hensley", is positioned above a horizontal line.

Gordon Hensley  
Executive Director  
Environment in the Public Interest and  
San Luis Obispo Coastkeeper

**SERVICE LIST**

Gina McCarthy , Administrator U.S. Environmental Protection Agency Ariel Rios Building 1200 Pennsylvania Avenue, N.W. Washington, D.C. 20460	Jared Blumenfeld, Regional Administrator U.S. Environmental Protection Agency, Region IX 75 Hawthorne Street San Francisco, California 94105
Thomas Howard, Executive Director State Water Resources Control Board P.O. Box 100 Sacramento, California 95812	Dr. Jean-Pierre Wolf, Chair Central Coast Regional Water Quality Control Board 895 Aerovista Place, Suite 101 San Luis Obispo, California 93401-7906



# Santa Barbara County - Flood Control District

130 East Victoria Street, Santa Barbara, CA 93101  
805.568.3440 - [www.countyofsb.org/pwd](http://www.countyofsb.org/pwd)

## Official Daily Rainfall Record

Station Number: 380 Report Produced: 5/15/2015  
Station Name: Santa Maria City Record Checked Through: 8/29/2014  
Nearest Landmark: City Public Works Building  
Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203  
Current Observer: SBCFCD Gauge Type: Alert, Data Logger w/TB

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

### Water Year: 2014-15

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1		0.01 <sup>PR</sup>	1.35 <sup>PR</sup>				0.05 <sup>PR</sup>					
2			0.08 <sup>PR</sup>	0.38 <sup>PR</sup>			0.08 <sup>PR</sup>					
3				0.36 <sup>PR</sup>			0.07 <sup>PR</sup>					
4												
5				0.01 <sup>PR</sup>								
6				0.01 <sup>PR</sup>								
7						0.14 <sup>PR</sup>						
8						0.28 <sup>PR</sup>		0.43 <sup>PR</sup>	0.04 <sup>PR</sup>			
9						0.14 <sup>PR</sup>		0.01 <sup>PR</sup>				
10			0.01 <sup>PR</sup>									
11	0.01				0.15 <sup>PR</sup>							
12		0.01 <sup>PR</sup>		3.16 <sup>PR</sup>								
13				0.01 <sup>PR</sup>	0.01 <sup>PR</sup>							
14			0.01 <sup>PR</sup>									
15									0.28 <sup>PR</sup>			
16				0.06 <sup>PR</sup>								
17				0.28 <sup>PR</sup>								
18				0.01 <sup>PR</sup>								
19												
21			0.03 <sup>PR</sup>									
23						0.11 <sup>PR</sup>						
24												
26								0.21 <sup>PR</sup>				
27					0.03 <sup>PR</sup>							
28						0.01 <sup>PR</sup>						
29					0.01 <sup>PR</sup>							
	0.01	0.02	1.48	4.28	0.20	0.68	0.20	0.65	0.32	0.00	0.00	0.00

WY Total 7.84



**Santa Barbara County - Flood Control District**130 East Victoria Street, Santa Barbara, CA 93101  
805.568.3440 - www.countyofsb.org/pwd**Official Daily Rainfall Record**

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 Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total,  
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**Water Year: 2013-14**

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1							0.62	0.32				
2							0.31	0.40				
3						0.20	0.08					
5							0.01					
7				0.15		0.58						
9						0.11						
10		0.08				0.04						
14						0.02						
15			0.01									
16	0.01											
19				0.02								
20			0.02	0.01								
21			0.15						0.01			
22	0.01											
23			0.01									
26							0.17	0.20				
27						0.21	0.12					
28		0.09				0.70	0.01					
29		0.13										
30			0.04		0.02		0.10					
31							0.01					
	0.02	0.30	0.23	0.18	0.02	1.86	1.43	0.92	0.01	0.00	0.00	0.00

**WY Total 4.97**



# Santa Barbara County - Flood Control District

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## Official Daily Rainfall Record

Station Number: 380  
Station Name: Santa Maria City  
Nearest Landmark: City Public Works Building  
Latitude (dms): 345707 Longitude (dms): 1202644  
Current Observer: SBCFCD

Report Produced: 5/15/2015  
Record Checked Through: 8/29/2014

Elevation (ft): 203  
Gauge Type: Alert, Data Logger w/TB

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

### Water Year: 2012-13

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1				0.32				0.02				
2				0.12				0.07				
3				0.50						0.01		
4			0.01					0.02				
5						0.01						
6		0.01			0.26		0.03		0.03			
7				0.01	0.26		0.15		0.01			
8						0.24	0.58	0.04				
9						0.16						
10		0.01	0.14		0.01							
11		0.01										
12							0.01				0.01	
13					0.19		0.01					
14									0.01			
16					0.08		0.01					
17	0.01		0.13	0.01								
18			0.21	0.20								
19			0.02	0.01			0.01					
20						0.24				0.01		
21		0.01										
22					0.13							
23		0.12	0.01	0.50								
24				0.35	0.24							
25					0.08							
26				0.34	0.01							
27				0.02								
29			0.03	0.40								
30			0.04									
31							0.04					
	0.01	0.16	0.59	3.18	0.86	0.65	0.84	0.15	0.05	0.02	0.01	0.00

WY Total 6.52

**Santa Barbara County - Flood Control District**130 East Victoria Street, Santa Barbara, CA 93101  
805.568.3440 - www.countyofsb.org/pwd**Official Daily Rainfall Record**

Station Number: 380

Report Produced: 5/15/2015

Station Name: Santa Maria City

Record Checked Through: 8/29/2014

Nearest Landmark: City Public Works Building

Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203

Current Observer: SBCFCD Gauge Type: Alert, Data Logger w/TB

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

**Water Year: 2011-12**

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
1							0.03	0.39				
2											0.01	
4		0.09	0.03		0.01							
5		0.59	0.13									
6		0.04	0.12									
8					0.01							
10	0.04											
11	0.03					0.03	0.02	0.89				
12			0.51	0.06				0.01				
13			0.01	0.07		0.06		0.86				
14						0.14		0.24				
15			0.01			0.07						
16				0.02		0.01						
17							0.96					
18							0.71					
19		0.01	0.01				0.04					
20			0.50			0.01						
21	0.01		0.08		0.77							
23					0.59			0.04				
24	0.01				0.28							
25							0.38	0.04				
26							0.21	0.23				
27								0.01				
28							0.05					
29							0.01					
31		0.01										
	0.09	0.74	1.40	0.15	1.66	0.32	2.41	2.71	0.00	0.00	0.01	0.00

**WY Total 9.49**



**Santa Barbara County - Flood Control District**130 East Victoria Street, Santa Barbara, CA 93101  
805.568.3440 - www.countyofsb.org/pwd**Official Daily Rainfall Record**

Station Number: 380 Report Produced: 5/15/2015  
Station Name: Santa Maria City Record Checked Through: 8/29/2014  
Nearest Landmark: City Public Works Building  
Latitude (dms): 345707 Longitude (dms): 1202644 Elevation (ft): 203  
Current Observer: SBCFCD Gauge Type: Alert, Data Logger w/TB

Daily Rainfall amounts are recorded as of 8am for the previous 24 hours (PST). Days with no recorded rainfall have been omitted from this report. Rainfall units are expressed in inches. E = Data estimated from nearby gauge, S = Snowfall or snowmelt has affected daily rainfall total, P = Data has been prorated using nearby gauge data, PR = Preliminary data subject to verification, MT = Monthly total only.

**Water Year: 2010-11**

Day	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug
2		0.01			0.41		0.04					
3		0.08			0.24		0.05					
4				0.03	0.01							
5	0.01			0.01						0.09		
6		0.67		0.40						0.58		
7		0.15	0.06	0.01			0.13					
8			0.42	0.01				0.04				
9									0.01			
10		0.01		0.01								
12				0.01								
14		0.01					0.01					
15	0.01			0.06		0.01			0.02			
16						0.24	0.02					
17		0.01		0.17		0.04			0.09			0.01
18		0.05	0.01	0.58					0.14			
19		0.22		3.67		1.43	0.17					
20		0.07	0.25	2.02		0.60	3.25				0.01	
21	0.01	0.01	0.42	0.72			0.36	0.13				
22	0.01		0.17	0.75			0.01					
23		0.13		0.01			0.03					
24			0.12				0.49	0.02				
25		0.50				0.05	0.36					
26		0.01		0.67		0.50	0.01					
27						0.07	0.40					
28			0.03									
29				0.98					0.04			
30		0.64		0.01	0.08					0.01		
31		0.01			0.06							
	0.04	2.58	1.48	10.12	0.80	2.94	5.33	0.19	0.30	0.68	0.01	0.01

**WY Total 24.48**



Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/16/11 8:07	Total Suspended Solids (TSS)	SW Discharge Point #1	200	mg/L	100	2	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	100	umhos/cm	200	0	see Basin Plan, §II.A.2.a	
2/16/11 8:07	pH	SW Discharge Point #1	7.3	SU	6.0-9.0	0	7.0-8.5	
2/16/11 8:07	Iron	SW Discharge Point #1	1.3	mg/L	1	1.3	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Turbidity	SW Discharge Point #1	230	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Nitrate as N	SW Discharge Point #1	1	mg/L	0.68	1.47	see Basin Plan, §II.A.2.a	
2/16/11 8:07	Total Organic Carbon (TOC)	SW Discharge Point #1	8.7	mg/L	100	0	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Total Suspended Solids (TSS)	SW Discharge Point #2	71	mg/L	100	0	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	350	umhos/cm	200	1.75	see Basin Plan, §II.A.2.a	
2/16/11 7:58	pH	SW Discharge Point #2	7.5	SU	6.0-9.0	0	7.0-8.5	
2/16/11 7:58	Iron	SW Discharge Point #2	1.1	mg/L	1	1.1	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Turbidity	SW Discharge Point #2	94	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 7:58	Nitrate as N	SW Discharge Point #2	ND	mg/L	0.68	0	none	
2/16/11 7:58	Total Organic Carbon (TOC)	SW Discharge Point #2	8.6	mg/L	100	0	none	
2/16/11 7:50	Total Suspended Solids (TSS)	SW Discharge Point #3	75	mg/L	100	0	none	
2/16/11 7:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	220	umhos/cm	200	1.1	none	
2/16/11 7:50	pH	SW Discharge Point #3	7.6	SU	6.0-9.0	0	7.0-8.5	
2/16/11 7:50	Iron	SW Discharge Point #3	1.6	mg/L	1	1.6	none	
2/16/11 7:50	Turbidity	SW Discharge Point #3	140	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 7:50	Nitrate as N	SW Discharge Point #3	1.5	mg/L	0.68	2.21	none	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/16/11 7:50	Total Organic Carbon (TOC)	SW Discharge Point #3	15	mg/L	100	0	none	
2/16/11 7:15	Total Suspended Solids (TSS)	SW Discharge Point #4	5900	mg/L	100	59	none	
2/16/11 7:15	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #4	870	umhos/cm	200	4.35	none	
2/16/11 7:15	pH	SW Discharge Point #4	7.9	SU	6.0-9.0	0	7.0-8.5	
2/16/11 7:15	Iron	SW Discharge Point #4	0.024	mg/L	1	0	none	
2/16/11 7:15	Turbidity	SW Discharge Point #4	5600	NTU	none	0	see Basin Plan, §II.A.2.a	
2/16/11 7:15	Nitrate as N	SW Discharge Point #4	0.83	mg/L	0.68	1.22	none	
2/16/11 7:15	Total Organic Carbon (TOC)	SW Discharge Point #4	170	mg/L	100	1.7	none	
2/25/11 15:00	Total Suspended Solids (TSS)	SW Discharge Point #1	25	mg/L	100	0	none	
2/25/11 15:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	320	umhos/cm	200	1.6	none	
2/25/11 15:00	pH	SW Discharge Point #1	7.2	SU	6.0-9.0	0	7.0-8.5	
2/25/11 15:00	Iron	SW Discharge Point #1	0.63	mg/L	1	0	none	
2/25/11 15:00	Turbidity	SW Discharge Point #1	17	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 15:00	Nitrate as N	SW Discharge Point #1	0.9	mg/L	0.68	1.32	none	
2/25/11 15:00	Total Organic Carbon (TOC)	SW Discharge Point #1	26	mg/L	100	0	none	
2/25/11 14:30	Total Suspended Solids (TSS)	SW Discharge Point #2	29	mg/L	100	0	none	
2/25/11 14:30	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	1500	umhos/cm	200	7.5	none	
2/25/11 14:30	pH	SW Discharge Point #2	8.6	SU	6.0-9.0	0	7.0-8.5	0.1
2/25/11 14:30	Iron	SW Discharge Point #2	0.52	mg/L	1	0	none	
2/25/11 14:30	Turbidity	SW Discharge Point #2	3.5	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 14:30	Nitrate as N	SW Discharge Point #2	ND	mg/L	0.68	0	none	
2/25/11 14:30	Total Organic Carbon (TOC)	SW Discharge Point #2	17	mg/L	100	0	none	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/25/11 15:00	Total Suspended Solids (TSS)	SW Discharge Point #3	120	mg/L	100	1.2	none	
2/25/11 15:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	230	umhos/cm	200	1.15	none	
2/25/11 15:00	pH	SW Discharge Point #3	8	SU	6.0-9.0	0	7.0-8.5	
2/25/11 15:00	Iron	SW Discharge Point #3	7.2	mg/L	1	7.2	none	
2/25/11 15:00	Turbidity	SW Discharge Point #3	53	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 15:00	Nitrate as N	SW Discharge Point #3	1.7	mg/L	0.68	2.5	none	
2/25/11 15:00	Total Organic Carbon (TOC)	SW Discharge Point #3	9.6	mg/L	100	0	none	
2/25/11 14:10	Total Suspended Solids (TSS)	SW Discharge Point #4	30	mg/L	100	0	none	
2/25/11 14:10	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #4	1400	umhos/cm	200	7	none	
2/25/11 14:10	pH	SW Discharge Point #4	8	SU	6.0-9.0	0	7.0-8.5	
2/25/11 14:10	Iron	SW Discharge Point #4	0.51	mg/L	1	0	none	
2/25/11 14:10	Turbidity	SW Discharge Point #4	8.4	NTU	none	0	see Basin Plan, §II.A.2.a	
2/25/11 14:10	Nitrate as N	SW Discharge Point #4	14	mg/L	0.68	20.59	none	
2/25/11 14:10	Total Organic Carbon (TOC)	SW Discharge Point #4	54	mg/L	100	0	none	
2/15/12 8:30	Total Suspended Solids (TSS)	SW Discharge Point #1	ND	mg/L	100	0	none	
2/15/12 8:30	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	140	umhos/cm	200	0	none	
2/15/12 8:30	pH	SW Discharge Point #1	7.6	SU	6.0-9.0	0	7.0-8.5	
2/15/12 8:30	Iron	SW Discharge Point #1	2.3	mg/L	1	2.3	none	
2/15/12 8:30	Turbidity	SW Discharge Point #1	62	NTU	none	0	see Basin Plan, §II.A.2.a	
2/15/12 8:30	Nitrate as N	SW Discharge Point #1	0.91	mg/L	0.68	1.34	none	
2/15/12 8:30	Total Organic Carbon (TOC)	SW Discharge Point #1	17	mg/L	100	0	none	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
4/11/12 8:40	Total Suspended Solids (TSS)	SW Discharge Point #1	ND	mg/L	100	0	none	
4/11/12 8:40	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	140	umhos/cm	200	0	none	
4/11/12 8:40	pH	SW Discharge Point #1	7.6	SU	6.0-9.0	0	7.0-8.5	
4/11/12 8:40	Iron	SW Discharge Point #1	0.31	mg/L	1	0	none	
4/11/12 8:40	Turbidity	SW Discharge Point #1	DNS	NTU			none	
4/11/12 8:40	Nitrate as N	SW Discharge Point #1	DNS	mg/L	0.68		none	
4/11/12 8:40	Total Organic Carbon (TOC)	SW Discharge Point #1	6.5	mg/L	100	0	none	
4/11/12 8:50	Total Suspended Solids (TSS)	SW Discharge Point #2	26	mg/L	100	0	none	
4/11/12 8:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	410	umhos/cm	200	2.05	none	
4/11/12 8:50	pH	SW Discharge Point #2	7.7	SU	6.0-9.0	0	7.0-8.5	
4/11/12 8:50	Iron	SW Discharge Point #2	0.77	mg/L	1	0	none	
4/11/12 8:50	Turbidity	SW Discharge Point #2	DNS	NTU			none	
4/11/12 8:50	Nitrate as N	SW Discharge Point #2	DNS	mg/L	0.68		none	
4/11/12 8:50	Total Organic Carbon (TOC)	SW Discharge Point #2	19	mg/L	100	0	none	
4/11/12 8:50	Total Suspended Solids (TSS)	SW Discharge Point #3	23	mg/L	100	0	none	
4/11/12 8:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	180	umhos/cm	200	0	none	
4/11/12 8:50	pH	SW Discharge Point #3	8.1	SU	6.0-9.0	0	7.0-8.5	
4/11/12 8:50	Iron	SW Discharge Point #3	1.6	mg/L	1	1.6	none	
4/11/12 8:50	Turbidity	SW Discharge Point #3	DNS	NTU			none	
4/11/12 8:50	Nitrate as N	SW Discharge Point #3	DNS	mg/L	0.68		none	
4/11/12 8:50	Total Organic Carbon (TOC)	SW Discharge Point #3	8.5	mg/L	100	0	none	

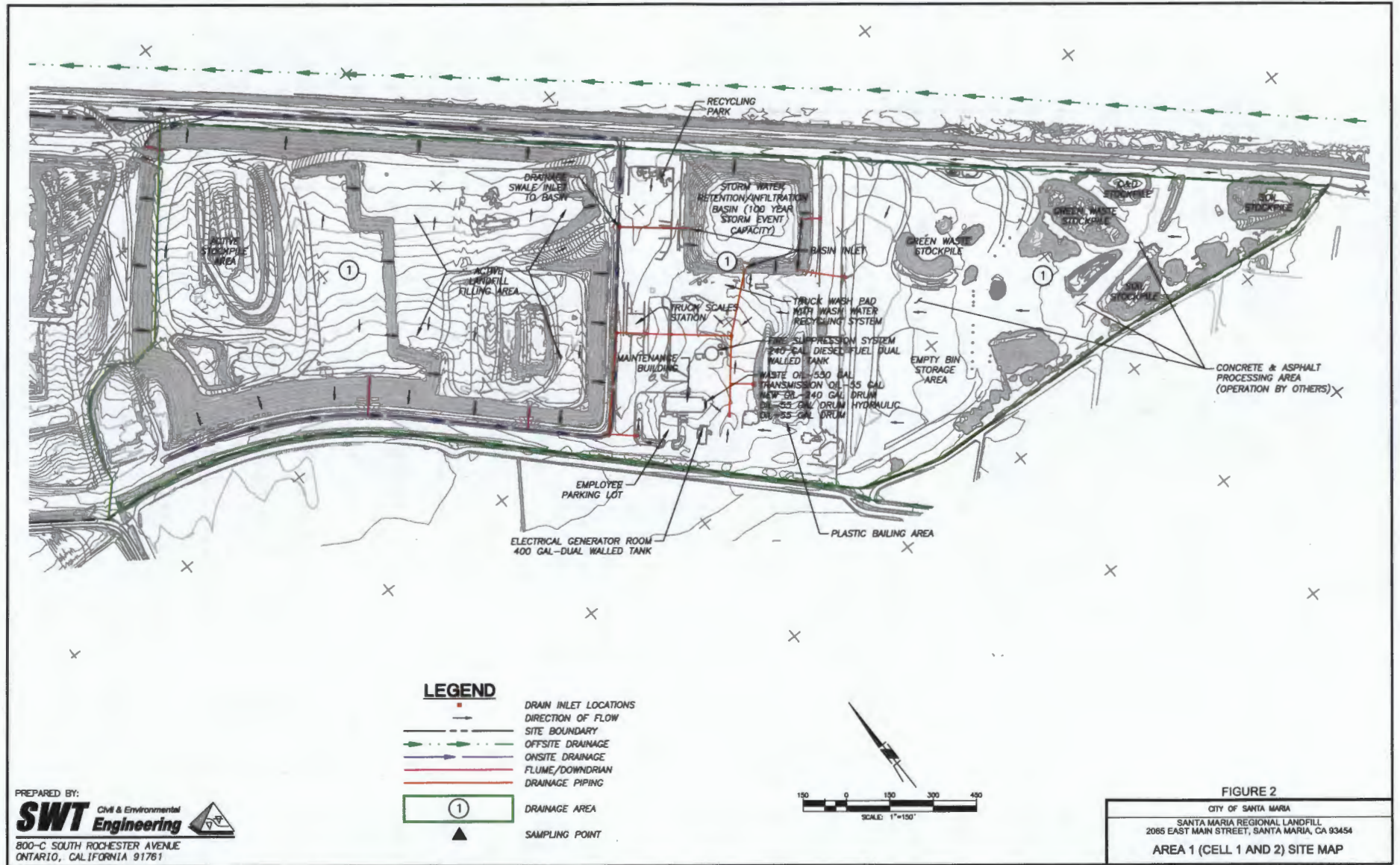


Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/8/13 11:10	Total Suspended Solids (TSS)	SW Discharge Point #1	ND	mg/L	100		none	
2/8/13 11:10	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	320	umhos/cm	200	1.6	none	
2/8/13 11:10	pH	SW Discharge Point #1	8	SU	6.0-9.0	0	7.0-8.5	
2/8/13 11:10	Iron	SW Discharge Point #1	DNS	mg/L	1		none	
2/8/13 11:10	Turbidity	SW Discharge Point #1	28	NTU	none	0	see Basin Plan, §II.A.2.a	
2/8/13 11:10	Nitrate as N	SW Discharge Point #1	DNS	mg/L	0.68		none	
2/8/13 11:10	Total Organic Carbon (TOC)	SW Discharge Point #1	6.3	mg/L	100	0	none	
2/8/13 11:24	Total Suspended Solids (TSS)	SW Discharge Point #2	16	mg/L	100	0	none	
2/8/13 11:24	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	580	umhos/cm	200	2.9	none	
2/8/13 11:24	pH	SW Discharge Point #2	8.4	SU	6.0-9.0	0	7.0-8.5	
2/8/13 11:24	Iron	SW Discharge Point #2	DNS	mg/L	1		none	
2/8/13 11:24	Turbidity	SW Discharge Point #2	5.8	NTU	none	0	see Basin Plan, §II.A.2.a	
2/8/13 11:24	Nitrate as N	SW Discharge Point #2	DNS	mg/L	0.68		none	
2/8/13 11:24	Total Organic Carbon (TOC)	SW Discharge Point #2	4.5	mg/L	100	0	none	
2/6/14 2:30	Total Suspended Solids (TSS)	SW Discharge Point #1	110	mg/L	100	1.1	none	
2/6/14 2:30	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #1	68	umhos/cm	200	0	none	
2/6/14 2:30	pH	SW Discharge Point #1	7.9	SU	6.0-9.0	0	7.0-8.5	
2/6/14 2:30	Iron	SW Discharge Point #1	5.4	mg/L	1	5.4	none	
2/6/14 2:30	Turbidity	SW Discharge Point #1	DNS	NTU			none	
2/6/14 2:30	Nitrate as N	SW Discharge Point #1	DNS	mg/L	0.68		none	
2/6/14 2:30	Total Organic Carbon (TOC)	SW Discharge Point #1	5.1	mg/L	100	0	none	
2/6/14 2:00	Total Suspended Solids (TSS)	SW Discharge Point #2	78	mg/L	100	0	none	

Date/time of sample collection	Parameter	Sample Location	Result	Units	Benchmark	Magnitude of Benchmark Exceedance	Water Quality Objective	Magnitude of WQO Exceedance
2/6/14 2:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #2	210	umhos/cm	200	1.05	none	
2/6/14 2:00	pH	SW Discharge Point #2	9.4	SU	6.0-9.0	0.4	7.0-8.5	0.9
2/6/14 2:00	Iron	SW Discharge Point #2	10	mg/L	1	10	none	
2/6/14 2:00	Turbidity	SW Discharge Point #2	DNS	NTU			none	
2/6/14 2:00	Nitrate as N	SW Discharge Point #2	DNS	mg/L	0.68		none	
2/6/14 2:00	Total Organic Carbon (TOC)	SW Discharge Point #2	8.5	mg/L	100	0	none	
2/6/14 2:00	Total Suspended Solids (TSS)	SW Discharge Point #3	46	mg/L	100	0	none	
2/6/14 2:00	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #3	77	umhos/cm	200	0	none	
2/6/14 2:00	pH	SW Discharge Point #3	8	SU	6.0-9.0	0	7.0-8.5	
2/6/14 2:00	Iron	SW Discharge Point #3	2.7	mg/L	1	2.7	none	
2/6/14 2:00	Turbidity	SW Discharge Point #3	DNS	NTU			none	
2/6/14 2:00	Nitrate as N	SW Discharge Point #3	DNS	mg/L	0.68		none	
2/6/14 2:00	Total Organic Carbon (TOC)	SW Discharge Point #3	7.5	mg/L	100	0	none	
2/6/14 1:50	Total Suspended Solids (TSS)	SW Discharge Point #4	200	mg/L	100	2	none	
2/6/14 1:50	Electrical Conductivity @ 25 Deg. C	SW Discharge Point #4	430	umhos/cm	200	2.15	none	
2/6/14 1:50	pH	SW Discharge Point #4	8.5	SU	6.0-9.0	0	7.0-8.5	
2/6/14 1:50	Iron	SW Discharge Point #4	16	mg/L	1	16	none	
2/6/14 1:50	Turbidity	SW Discharge Point #4	DNS	NTU	none		see Basin Plan, §II.A.2.a	
2/6/14 1:50	Nitrate as N	SW Discharge Point #4	DNS	mg/L	0.68		none	
2/6/14 1:50	Total Organic Carbon (TOC)	SW Discharge Point #4	22	mg/L	100	0	none	
4/7/15 1:55	Total Suspended Solids (TSS)	SLOC Sample	676	mg/L	100	6.76	none	
4/7/15 1:55	Escherichia coli (E. coli)	SLOC Sample	5000	MPN/100 ml	none	0	576	8.68
4/7/15 1:55	Fecal Coliform	SLOC Sample	240	MPN/100 ml	none	0	400	0.6

ND= Not Present above  
Detection Level Used

DNS=Did Not Analyse  
Sample for Pollutant





PREPARED BY:

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